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THE CHANCERY

OF THE

COUNTY PALATINE OF LANCASTER:

ITS

PRACTICE AND MODES OF PROCEDURE,

AS DISTINGUISHED FROM

THE HIGH COURT OF CHANCERY;

WITH THE

STATUTES 13 & 14 VICT. c. 43, & 17 & 18 VICT. c. 82.

THE

GENERAL RULES AND ORDERS OF THE COURT,

AN

INDEX OF THEIR CONTENTS,

SHEWING THE CORRESPONDING ORDERS AND ENACTMENTS REGULATING THE PRACTICE OF THE HIGH COURT;

AN

ALPHABETICAL LIST OF THE FEES, AND A FEW FORMS.

BY

JAMES W. WINSTANLEY, ESQ.

BARRISTER AT LAW,

REGISTRAR OF THE LIVERPOOL DISTRICT OF THE CHANCERY OF THE COUNTY PALATINE.

LIVERPOOL:

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TO

WILLIAM MILBOURNE JAMES, ESQUIRE, Q.C.

VICE-CHANCELLOR OF THE COUNTY PALATINE OF LANCASTER,

THIS WORK IS RESPECTFULLY INSCRIBED

BY THE AUTHOR.

PREFACE.

THE practice of the Chancery of the County Palatine of Lancaster has become so assimilated to that of the High Court of Chancery, that a substantive treatise on the former would have been for the most part a repetition of what is contained in the books of practice of the High Court. This work is therefore confined to an attempt to point out the distinctions which still exist, and to furnish a collection of the Acts of Parliament and General Orders applicable to the local Court; with an index or digest of their contents, and a few useful forms; and is intended to be used in connection with the modern books of practice of the High Court, as for instance the new edition of SMITH'S or AYCKBOURN'S, or the forthcoming edition of Mr. DANIEL'S work. The author is indebted to the kindness of Mr. JOSEPH DICKSON, of Preston, for the forms of writs in the appendix.

LIVERPOOL,

31*st October*, 1855.

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CHAPTER I.

THE ORIGIN AND JURISDICTION

OF THE

CHANCERY OF THE COUNTY PALATINE OF LANCASTER.

The county of Lancaster was first created into a Palatinate in favour of Henry, Earl and afterwards first Duke of Lancaster, in the 25th of Edward the Third. The creation was made by the letters patent creating the Dukedom, and by which *jura regalia* in the county, and other privileges, were granted to the Duke. The Charter was only for life, and ceased at his death. In the 51st of Edward the Third, that king gave to John of Gaunt, then Duke of Lancaster, a Chancery and *jura regalia*, and the power of executing writs within the county, and all other powers which were exercised by the Earl of Chester in his County Palatine. This grant was likewise for life, but in the 13th of Richard the Second it was extended by Charter, with the consent of Parliament, to the heirs male of the Duke. Henry Bolingbroke, his son, having dethroned Richard and assumed the crown as Henry the Fourth, by Charter or Act of Parliament severed the Duchy from the Crown. (This and the preceding Charters are set out in "Baines' History of Lancashire," Vol. I, pp. 138, 145, 150, 168; and see Fisher *v.* Batten Ventris, 155.) And in the reign of Edward the Fourth, on the plea that the title and estate were forfeited by the attainder of Henry the Sixth, an Act of Parliament was obtained, by which the estates

were appropriated to the Crown, but to be held as a distinct establishment. Henry the Seventh again separated the Duchy from the crown, and vested the same in himself and his heirs for ever; and so it has continued in the person wearing the Crown, but as separate and distinct from the Crown, to this day.

The ordinary jurisdiction of the Chancery of the County Palatine over persons and property, where either is within the county, is precisely similar to that of the High Court over persons and property in other parts of England. The High Court in some cases exercises a concurrent jurisdiction; but where both the subject of the suit and the residence of the parties litigant is within the County Palatine, the jurisdiction of the local court is exclusive, and a demurrer or plea to a bill in any other court of equity will lie. See Hametheson *v.* Tounstall, Cary 80; Price *v.* Lloyd, id. 139; Willoughby *v.* Brearton, id. 83, 85; Heyward *v.* Sherington, id. 116; Lomley *v.* Green, id. 155; Davis *v.* Davis, Finch 451, 4 Inst. 204 to 215. "Baines' History of Lancashire," Vol. I. 217 to 219.

13 & 14 Vict. c. 43; 17 & 18 Vict c. 82.

The statutory jurisdiction of the Court arises principally under two Acts of Parliament, the 13th and 14th Victoria, c. 43, called the Court of Chancery of Lancaster Act, 1850, and the 17th and 18th Victoria, c. 82, called the Court of Chancery of Lancaster Act, 1854. These Acts, one of which deprives the Court of its jurisdiction in lunacy, confer upon it a similar jurisdiction as to persons and property within the County Palatine to that possessed by the High Court under the Trustee Act, the Trustee Relief Act, the Lands Clauses Consolidation Act, and other Acts authorising the taking of lands; and under any Acts giving to the High Court summary jurisdiction upon motion or petition, or power to deal with property in the administration of assets, or belonging to persons under disability The adoption of the general orders of the High Court is also sanctioned, and service out of the county, but within the

United Kingdom, upon all persons who have become amenable to the Court, and those claiming through them, and service upon witnesses out of the jurisdiction, is made available. Through the Court of Appeal, a person out of the jurisdiction may effectually and for all purposes be made a party to a suit when the subject and the residence of the other parties interested are such as that the suit can be more conveniently prosecuted in the County Palatine Court, power being given to the Court of Appeal on the other hand, to transfer to the High Court suits instituted in the County Palatine Court. Protection may be obtained on behalf of any ward or officer of the County Palatine Court, or any executor or administrator entitled to its protection against actions, and suits by parties not otherwise amenable to its jurisdiction, and contempts by persons who have removed themselves or their property out of the county, effectually punished. Orders of the Local Court directing any payment, are, as well as the like orders of the High Court, to have the effect of judgments at common law, and entitle parties to the like remedies. Power is given to make a declaratory order upon a petition in the nature of a special case, and the Vice-Chancellor is authorized to hear and determine upon all interlocutory applications out of the county.

13 & 14 Vict. c. 43; 17 & 18 Vict. c. 82

There are several other statutes which confer upon this, in common with other courts of equity, extraordinary powers for giving effect to its orders and proceedings. The principal are the 11 Geo. IV. and 1 Wm. IV. c. 36, and 2 Wm. IV. c. 38, respecting commitments and taking bills *pro confesso*.

11 Geo. IV. & 1 Wm. IV. c. 36.; 2 Wm. IV. c. 38.

It may be doubted whether the provisions of the 2 Wm. IV. c. 33, and 4 and 5 Wm. IV. c. 82, as to service out of the jurisdiction, apply to the County Palatine Court.

2 Wm. IV. c. 33, and 4 & 5 Wm. IV. c. 82.

The 16 and 17 Vict. c. 137, relating to charitable trusts, applies to this Court, as well as to the High Court, when the charity is within the County Palatine. See sections 29, 35, and 37.

16 & 17 Vict. c. 137.

CHAPTER II.

THE OFFICERS OF THE COURT.

The Officers of the Chancery of the County Palatine are, the Chancellor of the Duchy and County Palatine, the Vice-Chancellor, the Attorney-General, the Registrar and District Registrars, the Comptrollers, the Messenger, the Commissioners for taking Affidavits, and the Solicitors.

The Chancellor. The Chancellor is appointed by the Crown. The appointment is considered political rather than judicial; and the Chancellor takes no part in the administration of justice in the Court except on appeals, and seldom on appeals now that they may be heard by the Lords Justices of the High Court.

The Vice-Chancellor. The Vice-Chancellor is the officer upon whom the exercise of the judicial functions of the Court almost entirely devolves. His appointment purports to be during pleasure: but is considered as *quamdiu bene se gesserit*. He holds four **His Sittings.** sittings in the year for the despatch of business within the county: at Liverpool immediately after Hilary Term, and upon the rising of the High Court for the long vacation; and at Manchester between Easter and Trinity Terms, and immediately after Michaelmas Term; on one of these occasions he also sits at Preston. The Vice-Chancellor also sits at his chambers in Lincoln's Inn every Wednesday afternoon in term, and during

the sittings after term of the High Court, to hear interlocutory applications; notice of which must be given to his clerk on the preceding Monday. These are the ordinary sittings. Special appointments may be obtained for the hearing of matters of urgency.

Attorney-General.

All informations are exhibited in the name of the Attorney-General of the County Palatine, and whenever the consent or sanction of the Attorney-General is required by any special act, the consent or sanction of the Attorney-General of the County Palatine must be obtained.

The Registrar and District Registrars.

Upon the Registrar or District Registrars devolve the transaction of all the details of the business of the Court, which, in causes and matters in the High Court, are divided between the Registrars, the Examiners, the Master's or Judge's Chief Clerks, the Judge's Secretaries, the Record and Writ Clerks, the Clerks of Reports and Entries and Affidavits, the Taxing Masters and the Accountant-General. These comprise, amongst other things, the filing and entering of pleadings and proceedings in causes and matters in the Court, the sealing and issuing of writs, the administering oaths, the examination of witnesses, the hearing and determination of various interlocutory matters, such as applications for time to plead, answer or demur, and for leave to amend and to enlarge the time for taking evidence, the drawing up of decrees and orders of the Court, the investigation of matters referred to them by the Court and certifying the result, the taxation of costs, and the management of the suitor's funds. The Registrar or District Registrars also appoint guardians to infant defendants, answer petitions, make orders upon applications of course, hear applications for productions of documents, and in some cases administration summonses. Up to a recent date, the Registrar, whose office was at Preston, there performed the whole of these duties arising within the county. In 1853, for the purpose of facilitating the

The Registrar and District Registrars.

transaction of the business, the County Palatine was divided into two Districts, the Southern called the Liverpool District, comprising the Hundreds of West Derby and Salford, except the Townships within the Wigan Poor Law Union; the other called the Preston District, consisting of the rest of the County. A Registrar was appointed for each District, and all matters in or in respect of suits and proceedings originated since the 1st July, 1853, theretofore transacted by the Registrar, must now, with one exception, be transacted by and in the office of the Registrar of the District in which shall be the address for service of the suitor, or if, as is usual, he employs a solicitor, then of such solicitor. The exception is the payment into Court of monies under the Trustee Relief Act and other Acts of Parliament, which is necessarily made in the Liverpool District, as there is no branch of the Bank of England in the Preston District. The offices of the Registrar of the Preston District still continue to be at Preston. The Registrar of the Liverpool District has two offices, one at Liverpool and the other at Manchester.

The Comptrollers

The Comptrollers are officers appointed by the Chancellor, and whose duty it is to check all receipts and payments on account of the suitor's monies, and into whose names, jointly with the Clerk of the Council of the Duchy and District Registrar, the suitor's money is paid: there is a Comptroller for each District.

The Messenger.

The Messenger must be a person resident within the County Palatine; he is to "attend upon the County Palatine Court and to execute the process thereof."

The Commissioners for taking affidavits.

The Commissioners for taking affidavits are appointed under the 17 Geo. II. c. 7. The commissions are usually granted to solicitors, and empower them to take affidavits in or concerning any cause, matter or thing depending or in anywise concerning

any proceedings in any of the courts of the County Palatine; but since the statute 16 & 17 Vict. c. 78, has conferred upon every person authorised to administer oaths for the High Court the like authority to administer oaths for all suits and matters in the Chancery of the County Palatine, it is not unlikely that these commissions will fall into disuse. The Commissioners for taking affidavits.

The Solicitors are the persons whose office it is to conduct the business of the suitors and other parties litigant in the Court. Up to the 20th June, 1851, this business was wholly transacted by the cursitors or clerks in Court, to the exclusion of all other solicitors and attornies. By a General Order of the Court dated the 18th June, 1851, made under the provisions of the Act of 1850, the offices and privileges of the clerks in Court were abolished, and attornies and solicitors of any of the superior Courts of Law or Equity at Westminster, and of the Common Pleas at Lancaster, upon being duly registered, were authorised to appear and prosecute or defend suits and proceedings in the Chancery of the County Palatine; but no person is qualified to act as a Solicitor of the Chancery of the County Palatine who has not been admitted and enrolled, and is not otherwise duly qualified according to the provisions of the 6th and 7th Vict. c. 73, ss. 2 & 45. By the 27th section of the Court of Chancery of Lancaster Act, 1850, any attorney or solicitor desirous of being admitted is to cause his name and address to be entered with the Registrar, and to pay such fee, not exceeding £5, as the Chancellor shall direct, towards providing a fund for the compensation of the clerks in Court. The fee fixed by the Chancellor is £2. All the duties of the clerks in Court, as solicitors or agents—amongst which are particularly specified, the making out of writs in the suits instituted in the Court, the serving and being served with writs, notices, orders, warrants, rules and other documents, proceedings, and written communications in causes and matters depending in Court, the signing of elections and agreements to proceed at The Solicitors.

The Solicitors.

law or in equity, the signing of petitions of rehearing and appeal, the entering of appearances and consents with the Registrar, the signing of consents to petitions, the tender and acceptance of costs, the joining in commissions and striking of commissioners' names, and the signing of notices by paupers—are now transferred to the Solicitors of the Court, or in cases where parties sue or defend in person, to such parties themselves. The solicitors are also authorised to make motions of course without the intervention of counsel. The 37th Section of the 6th & 7th Vict. c. 73, applies to solicitors generally, but it is singular that it does not empower this Court to order a taxation. It is apprehended, however, that section 11 of the Chancery of Lancaster Act, 1850, cures the defect, and that if not, this Court would, under the general jurisdiction which every court has over its own officers, direct a taxation against a solicitor amenable to the jurisdiction when the circumstances of the case require it.

CHAPTER III.

THE GENERAL PRACTICE & MODES OF PROCEDURE OF THE CHANCERY OF THE COUNTY PALATINE,

AS DISTINGUISHED FROM THOSE OF THE HIGH COURT OF CHANCERY.

The General Practice of the Court, up to the time when the Orders of 1851 came into operation, agreed with that of the Equity side of the Court of Exchequer. The Orders of 1851, and the subsequent General Orders, have gone far to assimilate the practice to that of the High Court. This chapter will be devoted to an attempt to point out the distinctions which still exist. In all proceedings which are unnoticed the Practice of the High Court may safely be followed.

The Bill.

The bill is, as may be supposed, addressed to the Chancellor of the Duchy and County Palatine, instead of the Lord High Chancellor, and informations are exhibited in the name of the Attorney-General of the County Palatine. It is not compulsory to print the bill. It may be printed, lithographed, or written. There being but one judge before whom causes are originally heard, it is unnecessary to mark the bill with the name of the

The Bill. judge. The address for service to be endorsed need not be within three miles of the office, but, as has been already shewn, it must be within the district of the Registrar in whose office it is filed. The bill is stamped and filed by that officer.

The Bill, service of. The Court of Chancery of the County Palatine has the same power as the High Court of effecting service of a stamped copy of the bill out of the jurisdiction of both Courts; and by the Act of 1854 the Court of Appeal is empowered—in all cases in which any person, who may be a necessary or proper party to any suit or other matter, shall not be subject to the jurisdiction on the application of the plaintiff or any person having the conduct of the suit or matter, according as it shall appear best calculated to answer the ends of justice—either to order that the suit or matter be transferred to the High Court, or that such service as may be proper, be effected upon such person out of the jurisdiction. The application may be made either *exparte* at any time that the Court of Appeal shall be sitting, or upon such notice as that Court shall think fit; but if the order for service shall have been made without notice to any person effected thereby, such person may afterwards apply to the Court of Appeal to transfer the suit or other matter to the High Court. The service is to have the same force and effect as if duly made within the jurisdiction; and where any person who shall have become amenable to the process of the Local Court shall have died or become bankrupt or insolvent, and his real or personal representatives, or the assignees of his estate and effects, or any of them who may be necessary parties to the continuance of the suit or proceedings, shall be out of the jurisdiction, power is by the Act of 1850 given to the Vice-Chancellor, upon special application, whether within or without the county, by any party or person interested, founded upon affidavit verifying the facts, to order that service upon such real or personal representatives or assignees as aforesaid, at any place within the United Kingdom of Great Britain and Ireland or the Isle of Man, upon such terms and in such manner as to the Vice-Chancellor shall seem proper, shall be good service.

Substituted service.

As to substituted service: the 4th General Order of 1791 expressly provides, that where a defendant cannot be personally served, service upon a member of his family at his last place of abode shall be good service; and now this Court, in common with the High Court, has general power to direct substituted service. See Ord. 9 of 1853. There is no such provision however as that contained in Ord. 31 of May, 1845, of the High Court, for entering an appearance for an absconding defendant, and if a defendant, within the jurisdiction of this or the High Court, cannot be served, "personally or at his dwelling-house or usual place of abode" (see Ord. 29 of 1851), the only course is to take the bill *pro confesso* against him, under the 1st Wm. IV. c. 36, s. 3, and Ord. 76 of 1851, bearing in mind, however, that the 15th sec. of the statute applies exclusively to the High Court. With this exception, the only difference in the practice is, that the notice to take the bill *pro confesso* must be inserted in some newspaper within the County Palatine, as well as in the London *Gazette*, that the party must have resided within the jurisdiction within one year of the stamping of the copy bill, or claim, for service, and the petition for rehearing must be presented within six months after the Decree.

The Bill, Amendment of.

The plaintiff has only two weeks instead of four, after the answer is sufficient, to obtain an order of course to amend his bill; but there is no restriction in this, as there is in the High Court, against the plaintiff obtaining an order to amend after being served with a notice of motion to dismiss the bill. All applications to amend bills are made in the first instance to the District Registrar by the plaintiff's solicitor. When the application is special, a warrant to hear it, is taken out and served upon the opposite solicitor. There must be one clear day between the issuing and return of the warrant. Amendments are made by the District Registrar.

Appearance in case of default.

Appearances may be entered by the District Registrar at the instance of the plaintiff in all cases in which in the High Court such appearance might be entered by the Record and Writ Clerk.

Interrogatories.

Interrogatories for the examiniation of defendants are, as well as all other interrogatories, filed with the District Registrar, who is empowered to extend the time allowed for that purpose. An office copy is to be served. The practice of filing interrogatories for the examination of the plaintiff was introduced into this Court by Order 164 of 1851, the provisions of which appear to be more extensive than order 38 of 1853, adopting the statutory enactment contained in sec. 19 of the 15 & 16 Vict. c. 86.

Process of Contempt to obtain answer, &c.

The sixth Order of 26th August, 1841, of the High Court, doing away with the writs of attachment, with proclamations, and of rebellion, has not been adopted in this Court; but where *non est inventus* is returned to the attachment, the Court retains the power of proceeding according to the old practice, or at once issuing a sequestration. According to the old practice, if the Sheriff returns *non est inventus*, the next process, if the defendant is within the county, is an attachment with proclamations, which is prepared, endorsed, and issued in the same manner as the ordinary writ of attachment, and is likewise executed by the Sheriff. If the Sheriff neglects to return an attachment, he may be ordered to make the return within a week after service of the order; and in default thereof, upon an affidavit of service, an attachment will be ordered against him. If the Sheriff returns *non est inventus*, the next step is to obtain a commission of rebellion, which is a writ which also issues, as of course directed, to several Commissioners named by the plaintiff, directing them jointly and severally to attach the defendant. The Commissioners, if they take the defendant, must bring him into Court; and if they make no return, they may be ordered to do so within a week after service of the order, and in the event of their disobedience, upon an affidavit of service, they will be committed for their contempt If the Commissioners return *non est inventus*, the next step is a sequestration. The writ of sequestration is obtained on an

order of course, upon the application of the plaintiff's solicitor. The writ is prepared, endorsed, and issued in the same manner as the writ of attachment. The costs of process are regulated by Ord. 18 of 1791. There is no such officer as the Serjeant-at-Arms. The duties incident to that office in the High Court are performed by the Messenger in this; and there is no general order answering to the 7th Order of August, 1841, of the High Court. Lancaster Castle is the gaol of the Court, and the keeper is required to receive into his custody all persons arrested and conveyed thither by the Messenger. The course to be pursued when a defendant in this Court has been attached, is regulated by the orders 66 and 67 of 1851. By order 66, if any defendant be attached, or being in prison, be detained under an attachment for want of answer, he shall be discharged from custody, and from all process under the attachment, unless the plaintiff shall, within three days after notice in writing to his solicitor that the defendant is so attached or detained, obtain an order of course to bring such defendant before the Registrar of the Court, within two office days from the date of such order; but if he do not put in his answer within eight days after such discharge, he may be again attached under a fresh attachment. And by Order 67, the Registrar, upon the defendant being brought before him, is to enquire for what reason the defendant has not answered, and certify the same to the Court; and if the defendant shall on oath allege poverty as the reason, the Registrar is to enquire into the truth of such allegation, and if he shall certify to the Court that such allegation is true, the Court may appoint solicitors and counsel to enable the defendant to put in his answer. After attending before the Registrar the defendant is to remain in custody until the Court make order to the contrary.

Process of Contempt to obtain answer &c.

All applications for time to answer are to be made to the District Registrar in the first instance, and from his decision an appeal by motion lies to the Vice-Chancellor. If it is intended

Answer.

Answer.

to apply for further time, a warrant should be taken out at the District Registrar's office, and a copy served upon the plaintiff's solicitor at least two days before the expiration of the time which the defendant then has to answer, for after the expiration of that time the Registrar's jurisdiction is at an end; and there must be one clear day between the issuing and return of the warrant. Upon the return of the warrant the defendant's solicitor makes his application to the Registrar, by whom the order, if made, is drawn up and entered. A copy must be served upon the plaintiff before the time for answering has expired.

Demurrer.

Plea.

The plaintiff has six days only, instead of twelve, to set down a Demurrer to the whole bill for argument, and three weeks only to reply to a plea or set the same down. A demurrer or plea may be argued out of the county.

Exceptions.

The plaintiff has only four weeks, instead of six, to file exceptions to an answer for insufficiency; but application to extend the time may be made to the Registrar. When exceptions have been allowed, and the further answer again referred, it is not necessary, as in the High Court, to specify the exceptions; and there is no provision for a defendant being examined upon interrogatories, and standing committed in case of a third insufficient answer. Exceptions may be argued out of the county.

Motions for Decrees.

The District Registrar may hear and determine applications to extend the time for filing affidavits in opposition to motions for decrees, and affidavits in reply. The hearing of the motion for a decree being in effect the hearing of the cause, it is apprehended that it is not such a motion as can be heard out of the county.

Replication.

The time within which replication should be filed to an

answer to prevent a motion to dismiss (the Plaintiff not amending), is fourteen days, instead of four weeks, after the answer is sufficient; and to a plea, if not set down for argument, is three weeks from the filing of the plea. Replication.

The evidence is taken before the District Registrars, who are the Examiners of the Court, or before Commissioners, it being still competent to parties to sue out commissions for the purpose. The practice of appointing Special Examiners has not been extended to this Court. In case a witness out of the jurisdiction neglects to attend, the District Registrar will, upon affidavit of the service of the subpœna, transmit a certificate of the default to the Court of Queen's Bench in England or Ireland, or the Court of Justiciary in Scotland; and the witness will be punishable by these Courts, in the same manner as if the process for compelling his attendance as a witness had been issued by them: 13 and 14 Vict. c. 43, ss. 17 and 18. The District Registrar may enlarge the time for closing the evidence. Evidence.

Applications to set down the cause are made to the District Registrar, and all the proceedings being in his custody, no certificate is required of the cause being in a fit state to be heard. If the plaintiff omits to set down the cause within fourteen days, the defendant may do so. The time given to the plaintiff to obtain a subpœna to hear judgment is also fourteen days from the closing of the evidence. In both cases the plaintiff in the High Court has four weeks. The subpœna may be made returnable in seven days, but not later than four weeks. In the High Court it must be returnable in not less than four weeks, and not more than twelve weeks from the teste of the writ. It is believed that there is no general order in this Court specifying how long before the return the subpœna must be served. Consistently with the rules already mentioned it cannot be more than seven days. Under the General Orders of the High Court, an interval of ten days is required between the Setting down cause and subpœna to hear judgment and hearing. Subpœna to hear judgments.

Subpœna to hear judgments.

service and return. At the hearing, not only this Court, in the same manner as the High Court, may direct any party or witness to be examined *viva voce*, but any party upon petition or motion *exparte* may obtain an order for leave to examine witnesses *viva voce* at the hearing, provided the order be served fourteen days before the cause or matter comes on to be heard. Ord. 107 of 1851.

Decrees and Special Orders.

Appointments for settling minutes and passing orders are made by the District Registrar by warrant. With the exception of orders for payment of money or transfer of stock out of Court, which require the signature of the Vice-Chancellor, and are retained by the District Registrar, Orders are passed by the District Registrar's adding at the foot, the words "By the Court," and are delivered to the plaintiff. After a decree has been passed and entered, there does not appear to be any provision for the correction even of clerical errors. To make the decree or order available as a judgment of one of the Superior Courts at Westminster, not only must the requisitions of the 1 & 2 Vict. c. 110, and 2 Vict. c. 11, be complied with, but a memorandum must be left with the Prothonatory of the Common Pleas at Lancaster. There is no General Order respecting the enrolment of decrees. Without abolishing the writ of attachment, with proclamations and writ of rebellion, the orders of this Court, as we have already seen, authorise the issuing of a writ of sequestration upon the return of *non est inventus* to an attachment, dispensing with any intermediate process. Writs for enforcing decrees, instead of being endorsed with the words "By the Court," are endorsed "By the Court of Chancery of the County Palatine of Lancaster," and are tested at Lancaster. The Messenger performs the duties in this Court, which in the High Court are performed by the Sergeant-at-Arms. The special remedies given by the Rules 15 & 16 of 1 Wm. IV. c. 36, for enforcing the execution of deeds and production of papers apply exclusively to the High Court. To remedy the inconvenience

which might arise from the inability of the Court to enforce its decrees against parties being non-resident, or withdrawing themselves or their goods out of the jurisdiction, the Act of 1850 provides that it shall be lawful for the High Court of Chancery, upon the application of any person entitled to the benefit of such decree or order, and upon the production of a transcript thereof, or of such part as cannot be enforced for the reasons aforesaid under the signature of the Registrar of the County Palatine Court, and an affidavit that by reason of such non-residence or removal, such decree or order, or such part thereof cannot be enforced, to make such decree or order, or so much of it as cannot be enforced for any of the reasons aforesaid, a decree or order of the High Court; and that thereupon such decree or order, or such part thereof, may be enforced against such of the parties bound by the same, as shall be within the jurisdiction of the High Court, and all proceedings be had thereupon as if such decree or order had been originally made by the High Court, and the costs of and consequent upon the application be recovered, as if the same were part of the decree or order; and in order to afford effectual protection to wards of the Court, and to executors and administrators, and to officers of the Court, and other persons entitled to its protection, against proceedings by persons out of the jurisdiction, and that contempts of the Court may be effectually punished, the Act of 1854 empowers the Court of Appeal, upon the application of any person concerned, to make such orders for the purpose as might, according to the practice of the High Court, be made in like matters there; such orders to have the same operation and effect as orders of the High Court. The service already referred to, as authorized by the Act of 1850, to be made upon the representatives and assignees, out of the jurisdiction, of deceased persons and bankrupts who have become amenable to the process of the Court, includes the service of orders of the Court.

Decrees and Special Orders

There is no Order in this Court equivalent to Order 3 of 11th

Interlocutory Proceedings generally.

Interlocutory proceedings generally.

April, 1842, of the High Court, by which a plaintiff is enabled, without special leave, to serve a defendant who has not but ought to have appeared, with a notice of motion or petition. Motions of course are made by the Solicitors to the District Registrar, and drawn up by him without any further formality. Order of 6th August, 1851. Petitions are answered by the District Registrar. Those under special Acts of Parliament, which could not be heard except by virtue of the Act of 1850, must be entitled in the matter of both Acts. Motions and petitions may be heard and determined out of the county.

Affidavits.

Any person authorised to administer oaths for the High Court, may administer oaths in suits and matters in the Chancery of the County Palatine. Affidavits may also be taken in this Court by Commissioners appointed by the Chancellor for the purpose, or by the Registrar or District Registrars. A party is not required to furnish his opponents with copies.

Motions to Dismiss.

The cases in which a defendant may move to dismiss, when an answer has been put in and the bill has not been subsequently amended, differ in point of time from the practice in the High Court, and are as follows:—1. If the plaintiff, having obtained no order to enlarge the time, does not obtain and serve an order for leave to amend the bill, or does not file replication, or set down the cause to be heard on bill and answer within fourteen days after the answer or the last of the answers is found or deemed sufficient, or after the filing of a traversing note. (It will be remembered that the answer, if not excepted to, is to be deemed sufficient at the end of four weeks from the filing). Or—2. If the plaintiff, having undertaken to reply to a plea to the whole bill, does not file his replication within three weeks after the date of his undertaking. Or—3. If the plaintiff, having obtained an order to enlarge the time, does not amend the bill within fourteen days after the date of the order giving leave to amend. Or—4. If the plaintiff, having obtained no order to enlarge the time, does not

set down the cause to be heard, and obtain and serve a subpœna to hear judgment within fourteen days after publication has passed. There is no general order forbidding a plaintiff, after being served with a notice of motion to dismiss, to obtain an order as of course to amend his bill. Nor is there any general order which provides for the dismissal of a bill in suits which have abated or become defective. The provision in sec. 23 of 4th Anne, c. 16, under which the plaintiff is to pay the costs of the suit when the bill is dismissed for want of prosecution would seem to apply to all Courts of Equity. Motions to Dismiss.

Rule 4 of Order 44 of 1851 assumes that the proper mode of taking objection to scandalous matter is by exception, but no provision has ever been made for extending Order 23 of Nov. 1850 of the High Court to this, and it is apprehended that the proper course for any person considering himself aggrieved by the insertion of scandalous matter in any pleading, is to obtain an order referring it to the District Registrar to report upon the matter; the order being of course, will be drawn up by the District Registrar upon the application of the solicitor, and it must be served upon the opposite party; a warrant is then obtained and served in the usual manner to proceed upon the order before the District Registrar, who makes his report, and if he finds the matter in question scandalous, expunges it. His report is liable to be varied or discharged as other reports. If the alleged scandalous matter is contained in any proceeding before the District Registrar, he will take cognizance of it without an order. Scandal.

The production of documents may be moved for either upon admission of possession contained in the defendant's answer, according to the old practice, or under Orders 37 and 39 of 1853, upon the application of either plaintiff or defendant. If it is intended to require an answer, the former course should be adopted, but if not, then the motion should be made as soon as the Production of Documents.

Production of Documents.

defendant has appeared. It is seldom wise to neglect this means of discovery in a hostile suit. If the production is moved for on the answer, the motion must be made to the Court, and the final order will be obtained at once; but if the application be made under the new practice, the order in the first instance is for the plaintiff or defendant, as the case may be, to file an affidavit stating what documents he has, and to produce such as he does not thereby object to produce, and may be obtained either from the Court or the District Registrar. If the party ordered to make the affidavit objects to produce any documents which the opposite party considers himself entitled to see, a distinct motion must be made to the Court for their production. Documents, when ordered to be deposited, are deposited with the District Registrar.

Injunctions.

Motions for and to dissolve injunctions may be heard out of the county, and injunctions may be obtained from the Court of Appeal to restrain creditors out of the jurisdiction of the Palatine Court from suing executors and administrators against whom a decree for administration has been obtained, and to restrain other persons out of the jurisdiction from suing or interfering with its officers or wards, or with any other persons entitled to be protected.

Appeals and Court of Appeal.

Until very lately the jurisdiction on appeals from the Vice-Chancellor was exercised by the Chancellor of the Duchy and County Palatine in the Court of the Duchy Chamber at Westminster, sitting with two of Her Majesty's Common Law Judges. Now, by the statute 17 and 18 Vic. c. 82, the Chancellor of the Duchy and County Palatine, and the two Lords Justices of the Court of Appeal in the High Court, form the Court of Appeal, and all the jurisdiction, powers, and authorities of the Court of Appeal may be exercised either by one of the Lords Justices and the Chancellor sitting together, or by both of the Lords Justices sitting as such Court apart from the Chancellor; but the Chan-

cellor, while sitting alone or apart from the Lords Justices, has the same jurisdiction that he had before the Act. The decision of the majority of the Court of Appeal is to be deemed the decision of the Court; and if the Judges are equally divided, the decree or order appealed from is to be deemed to be affirmed. The Registrar and other officers who, according to the existing practice, are attendant upon the Chancellor of the Duchy and County Palatine in matters of appeal in his Chancery, are to be the Registrar and officers of the Court of Appeal, and be in like manner attendant upon the Court of Appeal; but orders of the Court of Appeal may be drawn up by any Registrar of the High Court, if directed by the Lords Justices; and the Court of Appeal is empowered to make regulations respecting the sittings and business of the Court. Certain regulations for this purpose have accordingly been recently issued, under which the Court of Appeal is to hold its sittings at the same time and place as the Lords Justices, and such other times and places as shall be specially appointed. Applications under the 7th and 8th sections of the Act of 1854, and other exparte applications, may be made at any time. Appeals from orders and decrees made on motion, may be varied or discharged on motion upon notice. In other cases the appeal must be by petition addressed to the Court of Appeal. Both notices of motion and petitions of appeal must be entered at the Duchy Office. In the absence of any special order, appeals are to be set down to be heard on the second Monday in every term. The Registrar of the Palatine Court is, at the requisition of the Court of Appeal, or of any party, to transmit the proceedings in the Court below to the Duchy for the purpose of being used on the appeal. Orders of the Court of Appeal are to be recorded in the Duchy Office, and copies forwarded to the District Registrar of the County Palatine Court. The fees are the same as on appeals in the High Court, and Solicitors of the High Court are enabled to practise in the Court of Appeal. On petitions of appeal the deposit is £20, to be paid to the Registrar of the Appeal Court. No petition for rehearing, by way of appeal, in the absence of

Appeals and Court of Appeal.

Appeals and Court of Appeal.

special leave, can be presented after the expiration of six calendar months from the time the order appealed from was made; but there appears to be no limit to the time within which appeals by motion may be made, and no deposit required upon such appeals.

Court.

The powers conferred upon the new Court of Appeal to remove the difficulties arising in consequence of the limited jurisdiction of the Local Court, by affording protection to wards, executors, administrators, and officers of the Court, and punishing contempts, and by authorising service out of the jurisdiction or directing suits and matters to be transferred to the High Court, have been already noticed, and see the 7th, 8th, and 9th sections of the Act 17th and 18th Vic. c. 82. The provisions in the Act of 1850, for enforcing decrees and orders made by the Court of Chancery of the County Palatine, by making them decrees or orders of the High Court, are, by the 10th section of the Act of 1854, made applicable to decrees and orders of the Court of Appeal. An appeal lies to the House of Lords from the Chancellor, and also from the new Court of Appeal (sec. 3 of 17 and 18 Vic. c. 82), and directly from the Vice-Chancellor where his decree or order is enrolled.

Fees.

Fees are regulated by the General Orders of the Chancellor; and by the Act of 1850, a list is required to be hung up at the offices of the Registrars, and any officer of the Court taking a fee not authorised by the General Orders, is to be deemed guilty of a contempt of Court. The office fees now payable are regulated by the General Orders of 17th July and 6th August, 1851, the 30th June, 1853, and the 1st of June and 7th of November, 1854. An alphabetical list will be found in a subsequent part of the work. The fees differ in some respects from those in the High Court, and are not payable by stamps.

Further Directions.

Causes are now set down by the District Registrar for further directions, upon the application of the solicitor of any of the parties without any special order. Notice of setting down the cause should be given to the other solicitors.

The practice of adjourning causes for further consideration, is wholly confined to the High Court. Further consideration.

The Registrar and District Registrars are the taxing officers of the Court. The appointments to tax are made by warrants, which may be obtained on leaving the bill of costs at the office. The penalty of the bond given as security for costs, when the plaintiff is out of the jurisdiction of this and the High Court, is £100. Costs.

Distinct regulations govern the practice in the different Districts of the Chancery of the County Palatine, with respect to the custody of monies and stock belonging to suitors in the court. In the Preston District, the Registrar is the manager of the suitors' fund. In the Liverpool District, the office belongs to the District Registrar there. All monies payable into Court in any cause or matter attached to the Liverpool District, are payable into the Branch Bank of England at Liverpool, in the joint names of the Clerk of the Council of the Duchy of Lancaster, and the District Registrar and Comptroller. The account is called "The Chancery of Lancashire Suitors' Fund Account." The dividends of stock in Court are received by an agent of the Bank of England, under a standing power of attorney, and remitted to the Branch Bank, to the Suitors' Fund Account, and are then by the District Registrar carried to the several accounts of the causes and matters to which they belong. A return of the state of the fund is made to the Duchy Office every month. In the Preston District, (with the exception of monies payable into Court without special order, which are payable to the above account kept for the Liverpool District), the monies payable into Court are paid into a private bank at Preston. Suitors' Funds.

No money can be paid into Court without a written authority, signed by the District Registrar. In the Liverpool District the authority has two other forms annexed, one of a receipt to be signed by the Agent or Cashier of the Bank, and the other a cer- Payments into Court.

Payments into Court.

tificate to be signed by the District Registrar and Comptroller. Upon the authority being taken to the Bank, and the money paid in, the agent or cashier signs and delivers to the party the receipt, and upon leaving the receipt with the District Registrar, he will sign the certificate, to which the counter-signature of the Comptroller may then be obtained; and the certificate, so signed, constitutes a good acquittance to the parties paying the money. Mr. George Haigh, of Liverpool, is the present Comptroller for the Liverpool District. Monies payable in respect of lands within the County Palatine, taken under the Lands Clauses Consolidation Act, or any other statute authorising the taking of lands, and trust funds, in the hands of any persons who might be sued in this Court, may now be paid into this Court. The 12 and 13 Vic. chap. 74, for extending the benefit of the Trustee Relief Act, is not expressly mentioned in either of the Chancery of Lancaster Acts, but its provisions will doubtless be considered to fall within sect. 11 of the Act of 1850, and sect. 12 of the Act of 1854. Monies so payable into Court may be paid to the account of the Clerk of the Council of the Duchy of Lancaster, and the District Registrar and Comptroller, at any Branch of the Bank of England within the county where the Suitor's Fund Account is kept. The receipt of the manager, agent, or cashier, is a full discharge. Special provision is made by Order 39 of 1855, for payments into Court under these statutes, when the address of the solicitor or party is in the Preston District, there being no Branch of the Bank of England there.

Under Lands Clause Act, Trustees Relief Act, and other Acts.

Payments out of Court.

As regards payments and transfers out of Court, it has already been stated that when an order contains a direction for such payment or transfer, it is retained in the office. The cheque, upon being bespoken, is forwarded to the Duchy Office by the District Registrar, for the signature of the Clerk of the Council; and the signature of the Comptroller must likewise be obtained: Reg. 3, 4, and 5 of 1st June, 1854. Powers of attorney to receive monies or dividends out of court are prepared by the solicitors, and not in the office.

Investments.

The mode of obtaining, perfecting, and acting upon any special order to invest, is the same as in the High Court, except that the only officer with whom the parties are brought into direct communication is the District Registrar. All investments in the Liverpool District are made in the joint names of the District Registrar, Comptroller, and Clerk of the Council: Reg. 7 of 1st June, 1854.

Sales of Stock.

Sales of stock are made by an agent of the Bank of England, under a power of attorney. He remits the produce of the sale to the branch bank, to the account of the Clerk of the Council and the District Registrar and Comptroller.

Carryings over.

Stock and cash, by any order directed to be carried over from one account to the other, are carried over by the District Registrar, upon the order being passed and entered, without any specific request for that purpose.

Stop orders.

The General Order of 3rd April, 1841, of the High Court, which dispenses with the service of the petition for a stop order on parties whose interests are not sought to be affected, has not been adopted in the County Palatine Court.

Proceedings in Registrar's Office under Decrees.

The first step, after a decree or order containing any reference to the District Registrar has been passed and entered, is for the party obtaining it to bring in and leave a copy in the Registrar's Office. If ten days elapse without his doing so, any party interested may bring in the decree or order, or apply to the Court to expedite the prosecution of it. The District Registrar enters in a book, called the attendance book, the name or title of the cause or matter, the time when the decree or order is brought into his office, the date and description of every subsequent step taken before him, and the attendance or non-attendance of the several parties on each of such steps. Upon bringing in the decree or order, the solicitor or party bringing in the same applies to the District Registrar to appoint a time for taking into consideration the matter of the decree or order;

Proceedings in Registrar's Office under Decrees.

this is done by warrant, which has to be served upon the other solicitors, or upon the parties in cases where they have no solicitors. At the time appointed for considering the matter of the decree or order, the District Registrar first ascertains what persons, if any, ought, under the 66th order of 1853, rule 8, to be served with notice of the decree, and he then, or upon a memorandum of the service being entered in the office, proceeds to regulate, as far as may be, the manner of its execution; as for example, he states what parties are entitled to attend future proceedings, directs the necessary advertisements, and points out which of the several proceedings may be properly going on *pari passu*, and as to what particular matters interrogatories for the examinations of the parties appear to be necessary, and whether the matters requiring evidence shall be proved by affidavit or by examination of witnesses, and in the latter case, if necessary, issues his certificate for a commission; and he may then, or on any future attendance, fix the times within which parties are to proceed upon any particular matters. The Registrar may compel parties in the same interest to appear by one solicitor, and parties whose interests require to be distinctly represented to appear by several solicitors. Warrants, which are appointments in writing or summonses issued by the Registrar, are, when attendable, peremptory, and the attendance thereon is for such time as the Registrar thinks proper; and if he thinks fit he may proceed *de die in diem*. He is empowered to increase the solicitor's fee accordingly; and in case of non-attendance, to disallow the usual fee. Upon proof of the service of the warrant, the Registrar may proceed, in the absence of any party; and such proceeding is not to be reviewed, except there be wilful delay or gross negligence, and then only upon payment of costs; or in case the Registrar does not think it expedient to proceed *ex-parte*, and the proceedings therefore fail, the Registrar may award costs against the absent party or his solicitor personally; and where the party actually prosecuting a decree or order does not proceed before the Regis-

trar with due diligence, the Registrar may commit the prosecution of it to any party to the suit, or any one who has come in and established his claim. Where documents are to be deposited in the office, the District Registrar is to determine what documents, and when and how long they are to be left, or he may direct an inspection in lieu of a deposit. All orders and directions of the Registrar are drawn up in a short form, and when signed entered, and marked as entered. No warrant to review any proceedings in the office is allowed to be taken out except upon special grounds, and the costs of such review, if allowed, are in the discretion of the Registrar. If any party wishes to complain of any matter introduced into any state of facts, affidavit, or other proceeding before the Registrar, on the ground that it is scandalous or impertinent, or that any examination taken in the Registrar's Office is insufficient, he may do so without any order of the Court, by taking out a warrant for the Registrar to examine such matter, and the Registrar may expunge any such matter which he shall find to be scandalous or impertinent, and in case of finding an examination insufficient, direct a further examination to be brought in.

Proceedings in Registrar's Office under Decrees.

Any witness may be examined *viva voce* before the District Registrar, and a witness refusing to answer is liable, upon an application to the Court, to an attachment. Commissions to take examinations of witnesses *viva voce* may still be issued.

Evidence in Registrar's Office.

The only material difference between the practice of the two Courts relative to accounts and enquiries and sales before the Registrars is, that all the duties and powers of the Judge's Clerk in the High Court, here devolve upon the District Registrar.

Accounts, Enquiries, and Sales.

In all cases where accounts and enquiries are directed, the parties are to produce before the Registrar all deeds, books, papers, and writings in their custody relating thereto, and are to be examined upon interrogatories as the Registrar shall direct, and any of the parties are to be at liberty to apply to the Court. The allowances to accountants, engineers, and other scientific persons whose assistance shall have been obtained by the Court,

Accounts, Enquiries and Sales.

are to be regulated by the Registrar, subject to appeal. There are no express regulations answering to orders 35 to 42 of 16th October, 1852, of the High Court. With respect to sales, all that need be said is:—that there being no particular conveyancing counsel appointed by the Court, the abstract is laid before such counsel as the District Registrar approves of, to the intent that he may be the better enabled to settle the conditions of sale; that it is not compulsory on the parties to appoint a time for the delivery of the abstract; and, that applications to pay in purchase money and invest it, are made to the Court by motion upon the usual notice. After the sale, the District Registrar prepares his report of the purchase, which is settled, and signed, and filed in the usual manner, and what is done in Judges' Chambers, or by the Accountant General in the High Court, is transacted in the District Registrar's Office in this.

Reports.

The report is first prepared in draft, and having been settled, is transcribed in the office, and signed by the District Registrar; warrants to settle and sign are taken out by the person having the conduct of the cause, and served on the other solicitors. The report is filed, and the date at which the same is left to be filed, or, which is the same thing, of the filing, is entered by the Registrar. The report itself is also entered in a book. It need not be signed by the Judge, but when filed is to be binding upon all parties, unless discharged or varied upon motion; such motion must be made in fourteen days, or at the next sitting of the Court in the county, unless the Court thinks fit to give further time. The practice of excepting to reports no longer exists.

Judge's Chambers.

The provisions of the 15 and 16 Vic. c. 80, enabling the Judges of the High Court of Chancery to sit in Chambers for the transaction of business and regulating the practice there, apply exclusively to the High Court, and have not been adopted in this.

Claims

A claim, like a bill, need not be printed, it may be

either printed, written, or lithographed. With reference to those claims, which in the High Court it would require leave to file, it will be observed that rules 1, 2, 8, and 11 of Order 124 of 1851, have a larger scope than the rules upon the same subject in the High Court, inasmuch as rules 1, and 2 are not confined to personal estate, and rule 8 is made to apply to a demise, as well as a purchase and sale, and rule 11 to any case where a trustee cannot be appointed without the aid of the Court; and with respect to those cases which do not fall within Order 124, it is the recognized practice of this Court to consider the signature of counsel as equivalent to leave to file the claim under Order 128. Since the Orders of 1853, the proceeding by bill may be considered generally preferable to proceeding by claim, and the plaintiff need be under no apprehension of having additional costs to pay for filing a bill when a claim might have answered the purpose. What has been already stated as to the service of stamped copies of bills, applies equally to the service of stamped copies of claims. Claims.

Applications for leave to amend claims are to be made to the District Registrar, from whose decision an appeal lies to the Vice-Chancellor.

Claims, when ripe for hearing, are set down by the District Registrar at the request of the solicitor of either party. The claim is heard at the sitting of the Court in the County Palatine next after the expiration of fourteen days from the service of the stamped copy, unless by agreement the parties consent to its being heard on an earlier day.

All the powers conferred by the General Orders of the High Court upon the Master or Judge in Chambers, upon references under claims with respect to the examination of parties, production of documents, advertising, computing interest, selling property, and enabling persons not parties to attend, are conferred upon the Registrar by Orders 139, 140, and 142 of 1851.

The privilege of obtaining the opinion of the Court upon a Special case.

Special case.

special case was introduced by section 10 of the 13 and 14 Vic. c. 43, which enables any person desirous of obtaining the opinion of the Court on the construction of any instrument, or on any other matter in dispute over which the Court has jurisdiction, to present a petition stating the facts, the draft of which is to be signed by counsel, and the name of such counsel to appear thereon, as signing the same on behalf of the parties thereto, and the Court, on hearing such petition, may make a declaration of rights in respect of the subject matter which shall be binding on all persons, and subject to appeal in the same manner as a decree made on the hearing of a cause in which any one or more of the parties to the petition were plaintiffs, and the other parties defendants, and in which the facts stated in the petition have been proved. But an infant, lunatic, or person of unsound mind, or married woman in respect of her real estate, or of any reversionary interest in personal estate, interested in the matter of such petition, is not to be made a party until the case to be stated shall have been submitted to the District Registrar, and shall be certified by him to be correctly stated as to facts, and to be a proper case to be submitted to the Court on behalf of the party under disability; and the Registrar, before granting such certificate, is to require the facts to be verified by affidavit, and the assent to the case of the husband of any married woman, and of the committee of any lunatic, and the guardian *ad litem* of any infant or person of unsound mind. Such guardian may be appointed in the same manner as in the case of a defendant to a suit. There are no General Orders upon the subject, and no express enactment other than that above stated, but it is apprehended that section 35, giving to the Court general jurisdiction with respect to costs and making orders under the Act, subject to appeal, would apply to orders upon these petitions, and the High Court has decided that the provision enabling that Court to proceed in the absence of a legal personal representative, or to appoint a person to represent the estate, which is identical with order 60 of 1853 of this Court, is applicable to this mode

of proceeding generally. Except where otherwise expressly provided for by the Act, the petition is subject to the same rules as other special petitions. Special case.

The power given by the 13 and 14 Vic. c. 35 (Turner's Act), to executors or administrators to obtain, upon motion of course, an order in the High Court, for the purpose of ascertaining and paying the debts of their testators' or intestates' estate, was extended to this Court by order 86 of 1853. In the High Court it has been decided that the matter must be mentioned to the Court (see *in re* Harrold 15 Jurist 763), but it is apprehended that such decision would not be considered as governing the practice in the County Palatine Court, particularly having regard to the powers conferred upon the Registrar by Order 73 of 1853, and that the order would, upon production of the probate or letters of administration, be drawn up by the District Registrar upon the application of a solicitor of the Court as other orders of course, see order of 6th August, 1851. The practice in the High Court, in cases originated as above, with respect to the report and the proceedings consequent thereon, and which are to be found in the 19th and six following sections of the 13 and 14 Vic. c. 35, are adopted by order 86 and six following orders of 1853, which comprise all the regulations upon this particular mode of proceeding. Administration upon Motion.

Administration summonses in the High Court are heard by the Judge in Chambers; in this they are heard by the Vice-Chancellor; but the District Registrar is empowered, in the absence of the Vice-Chancellor, to hear them, and to make or refuse orders thereon, unless any party shall object, and then the Registrar is to adjourn the hearing to such time and place as he shall think proper, in order that the summons may be then and there heard before the Vice-Chancellor. And in any case in which it shall appear to the Registrar that the question is of sufficient difficulty or importance to render it expedient Administration Summons.

Administration Summons.

that the same should be heard before the Vice-Chancellor, the Registrar is for that purpose to adjourn the hearing of the summons to any other time and place.

Charities.

By sections 29, 35, and 37, of the 16th and 17th Vic. c. 137, the jurisdiction given by that Act to the Master of the Rolls and the Vice-Chancellors of the High Court, sitting in chambers, upon applications to them respecting charities, is extended to the Chancellor of the Duchy and County Palatine of Lancaster, and the Vice-Chancellor of the same county, respectively, as to charities within the jurisdiction of the Chancery of the County Palatine, whose gross annual income for the time being exceeds £30; and the Chancellor of the Duchy and County Palatine, with the concurrence of the Vice-Chancellor of the county, is authorised to make rules and orders for regulating the modes of proceeding, and the fees to be taken in respect of proceedings under the Act: the Board of Commissioners are empowered to direct that applications as to any charity, within the jurisdiction of the Chancery of the County Palatine, may be made before the Chancellor or the Vice-Chancellor of the County, or a Judge of the High Court, according to the provisions applicable to a charity the gross annual income whereof exceeds £30: and in case any order or decision, under the Act, of any District Court of Bankruptcy or County Court should not be approved by the Board, and should under the Act be remitted for the re-consideration of such District or County Court, and the order or decision of the District or County Court on the re-consideration of any such order or decision be disapproved by the Board, to refer such order and decision, and the subject matter thereof, as to any charity within the jurisdiction of the Chancery of the County Palatine, either to the Chancellor or the Vice-Chancellor of the same county, or to a Judge of the High Court.

Infants.

When an infant is made defendant to a suit, and a guardian is required to be appointed instead of the infant, the proposed

guardian and the solicitor attending in Court, they attend before the District Registrar by whom the assignment is made: 13 & 14 Vic. c. 43, s. 9, and Order 20 of 1851. If the infant, by reason of its tender age or delicate health, cannot attend at the office, the attendance of the District Registrar can be procured at the infant's place of abode. Where no other person is willing to act as guardian *ad litem* of an infant or person of unsound mind, the District Registrar may appoint one of the solicitors of the Court to be such guardian, and the Court may direct that the costs to be incurred in the performance of the duties of the office shall be borne and paid either by the parties or some of the parties to the suit, or out of any fund in Court in which such infant or person of unsound mind may be interested, and may give directions for the repayment or allowance of such costs as the justice and the circumstances of the case may require: Order 21 of 1851. If, upon default made by a defendant in not appearing to or answering a bill, it appears to the Court that such defendant is an infant or person of unsound mind, not so found by inquisition, so that he is unable of himself to defend the suit, the Court may, upon the application of the plaintiff, direct the Registrar to assign one of the solicitors of the Court, or some other fit person, to be guardian of such defendant by whom he may appear to and answer, or may answer the bill and defend the suit: Orders 30 & 31 of 1851. The mode of appointing guardians to infant defendants to a claim, and infant respondents to a petition, in the nature of a special case, and infants served with notice of a decree, is the same as in a suit commenced by bill: Order 149 of 1851 and 13 & 14 Vict. c. 43, sect. 10, and Order 23 of 1855. Infants.

Applications for receivers may be heard and determined out of the County Palatine. The application is made by motion or petition, or the appointment may be made upon the hearing of the cause, when the bill is taken *pro confesso* or otherwise: see Order 81 of 1851. If the application be made before the hearing, the Receivers.

Receivers.

defendant's answer will, for the purpose of evidence, be considered as an affidavit, and affidavits may be read in opposition: see Order 95 of 1853.

The provisions in the general orders with respect to receivers' securities, and the allowance to be made to them, is the same in this as in the High Court, but the security itself is different, being by bond. There are two sureties, as in the High Court, who are generally proposed at the same time as the receiver, and who are to justify to the amount of double the gross yearly rental of the property. The bond is settled and approved by the District Registrar. When the proposals have been considered, the receiver and his sureties approved, and the bond settled and executed, the District Registrar certifies the appointment. The mode of passing a receiver's account is similar to that in the High Court; but before he can pay in his balances, an authority for the purpose must be obtained from the District Registrar's office.

Paupers.

No difference exists in the practice in this and the High Court as regards suing and defending in *forma pauperis*, except in the mode of obtaining the order, when it is of course. Instead of being made upon a petition, the order is drawn up by the District Registrar, upon the motion of the solicitor, supported by the usual affidavit. The course to be pursued where a defendant is attached for want of answer, which he is unable to put in on account of poverty, has been already shewn: see Order 67 of 1851.

STATUTES

AND

GENERAL RULES AND ORDERS

RELATING TO

THE PRACTICE

OF THE

CHANCERY OF THE COUNTY PALATINE

OF LANCASTER.

STATUTES

RELATING TO THE PRACTICE

OF THE

CHANCERY OF THE COUNTY PALATINE.

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13 & 14 VICT. CAP. XLIII.

AN ACT TO AMEND THE PRACTICE AND PROCEEDINGS OF THE COURT OF CHANCERY OF THE COUNTY PALATINE OF LANCASTER.

(29TH JULY, 1850.)

WHEREAS the Court of Chancery of the County Palatine of Lancaster is an ancient Court, and has been found greatly beneficial to the inhabitants of the said County Palatine; and it is expedient, in order to extend the advantages of the said Court, that certain alterations and improvements should be effected in the jurisdiction, practice, and proceedings thereof: And whereas the Queen's most excellent Majesty has been graciously pleased to sanction such alterations and improvements, notwithstanding that the same may affect her prerogatives and rights as Duchess of Lancaster, or may create a charge upon the revenues of the said Duchy: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be Power to the

Chancellor with the Advice and Consent of the Vice-Chancellor of the Duchy of Lancaster, and one of the Vice-Chancellors of the High Court of Chancery, to make Alterations in Forms and Mode of Proceedings.

lawful, from and after the passing of this Act, for the Chancellor of the Duchy and County Palatine of Lancaster for the time being, with the advice and consent of the Vice-Chancellor of the said County Palatine for the time being, and of one of the Vice-Chancellors of the High Court of Chancery, to be named for that purpose, by writing under the hand of the Lord High Chancellor or other officer having the custody of the Great Seal, or (if more than one) of the chief Commissioner or Officer having such custody, by any rules or orders to be by him from time to time made with such advice and consent as aforesaid, to make such alterations as may seem to him expedient in the form of writs and commissions, and the mode of sealing, issuing, executing and returning the same, and also in the form of and mode of filing bills, answers, depositions, affidavits, and other proceedings, and in the form or mode of obtaining discovery, by answer in writing or otherwise, and in the form or mode of pleading and of taking evidence, and generally of proceeding to obtain relief in the Court of Chancery of the said County Palatine, and in the general practice of the Court, and also in the form and mode of proceeding before the Registrar of the said Court, and of drawing up and entering and enrolling orders and decrees, and of making and delivering copies of pleadings and other proceedings, and also to regulate the taxation, allowance and payment of costs, and all other the business of the said Court; and all such rules and orders shall be binding from such time as the said Chancellor, with such advice and consent as aforesaid, shall thereby direct, and shall have the same force and authority as if the same had been enacted by the authority of Parliament: Provided always, that all such rules and regulations shall be laid before both Houses of Parliament within five days from the issuing thereof, if Parliament be then sitting, or, if not, then within five days from the next meeting of Parliament: Provided also, that if either House of Parliament shall, by any resolution passed before such House shall have sat thirty-six days from and after the said orders and regulations

shall have been laid before it, resolve that the same or any part thereof ought not to continue in force, then, and in any such case, the orders and regulations affected by such resolution shall cease to be binding on the said Court; and no orders or regulations to be made in pursuance of this Act shall be of any effect unless expressed to be made in pursuance of the power given by this Act; nor shall the same continue in effect after the expiration of the time herein provided for laying the same before Parliament, unless they be laid before Parliament accordingly.

Power to adopt and modify any rules and orders made or to be made by the High Court of Chancery.

II. Provided always, and be it enacted, That whenever by or under the authority of any Act of Parliament, passed or to be passed, or by any General Order of the High Court of Chancery, any rules, orders, or regulations already have been or hereafter shall be made for the purpose of framing, regulating, or amending the proceedings, practice, or pleadings of the said High Court of Chancery, it shall be lawful for the Chancellor of the Duchy and County Palatine of Lancaster, with the consent and advice of the Vice-Chancellor of the said County Palatine, and of such Vice-Chancellor of the High Court of Chancery as aforesaid, by rules or orders to be made in that behalf, to adopt all or any of such rules, orders, or regulations, or any part or parts thereof, with such variations therein, or additions thereto, as may be necessary or proper for adapting the same to the business and mode of proceeding of the Court of Chancery of the County Palatine; and such last-mentioned rules and orders, if expressed to be made in pursuance of the authority of this Act, shall be valid and binding from the making and issuing thereof, or such other time as shall be therein mentioned.

Not to abridge power of the Chancellor and Vice-Chancellor to alter the practice of the Court, except so far as may be

III. Provided always, and be it enacted, That nothing herein contained shall extend to take away or abridge the power heretofore possessed by the Chancellor of the Duchy and County Palatine of Lancaster and the Vice-Chancellor of the said County Palatine, or either of them, of settling, altering and amending

inconsistent with the provisions of this Act.

the practice and course of proceeding in the said Court of the County Palatine, but such power shall, notwithstanding anything herein contained, continue and have the same force and effect as if this Act had not been passed, save and except so far as the exercise of such power may in any respect be repugnant to or inconsistent with the provisions herein contained, and save also that neither the said Chancellor nor Vice-Chancellor alone shall alter or vary any order made by the said Chancellor, with such advice and consent as aforesaid.

Power to the Chancellor of the Duchy to regulate Fees.

IV. And be it enacted, That the Chancellor of the Duchy and County Palatine of Lancaster for the time being, by and with the advice and consent of the Vice-Chancellor of the said County Palatine for the time, shall have full power and authority, by any General Orders to be from time to time made after this Act shall take effect, to make such regulations as to the fees to be paid by suitors, or to be charged by or allowed to all or any of the officers of the said County Palatine, and by or to the solicitors thereof, as to him may seem expedient, and to alter the same with such advice and consent as aforesaid, when and as he may think fit.

A list of fees authorised to be taken to be hung up in Registrar's Office; and officers of the Court taking fees not authorised to be deemed guilty of a contempt of Court.

V. And be it enacted, That a table of all fees for the time being authorised by the said Chancellor and Vice-Chancellor of the said County Palatine to be taken by any officer of the said County Palatine Court, or by any solicitor practising in the said Court, for business done therein, shall be hung up in some conspicuous place in the office of the Registrar of the said Court; and that if any officer of the Court shall, for anything done or pretended to be done relating to his office or employment, or under colour of doing anything relating to his office or employment, wilfully demand or receive, or allow any person to receive for him or on his account, any fee, gratuity or emolument, or anything of value, other than what shall be allowed to be taken by him as aforesaid, the person so offending shall be deemed

guilty of a contempt of Court, and shall be punishable, according to the discretion of the said Court, as for a contempt.

Registrars to hear and determine certain interlocutory matters.

VI. And be it enacted, That the Registrar of the said County Palatine Court shall hear and determine all applications for time to plead, answer or demur, and for leave to amend bills, and for enlarging publication, and all such other matters relating to the conduct of suits and proceedings in the said Court as the Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Vice-Chancellor of the said County Palatine, shall by any General Orders from time to time direct, in such manner and subject to such regulations as by such General Orders shall be directed.

Subject to appeal to the Vice-Chancellor.

VII. And be it enacted, That it shall be lawful for either party to appeal, by motion, from the order made by the Registrar on such applications as aforesaid, to the Vice-Chancellor of the said County Palatine, and that the order made on such appeal shall be final and conclusive, and that no such application directed to be heard and determined by the Registrar as aforesaid shall in future be heard by the Chancellor of the Duchy and County Palatine aforesaid, nor shall any such application be heard by the Vice-Chancellor of the said County Palatine, except on appeal as herein-before provided.

Costs on interlocutory matters.

VIII. And be it enacted, that it shall be lawful for the said Registrar, on all applications made to him by virtue of this Act, to direct that the costs of all or any of the parties shall be costs in the cause or matter, or to award such liquidated sum by way of costs to any of the parties as he shall think reasonable, and the costs so to be awarded shall be recoverable in like manner as costs directed to be paid by an order of the said County Palatine Court.

Power to

Registrar to assign guardians to infant defendants or persons of unsound mind.

person of unsound mind, not found to be a lunatic by any inquisition, shall be named as defendant in any suit in the said County Palatine Court, it shall be lawful for the Registrar of the said Court to assign a guardian to such defendant, for the purpose of putting in the answer and defending such suit, and to make and sign his certificate thereof.

Special cases may be submitted to the Court for its opinion.

X. And be it enacted, that if any persons shall be desirous of obtaining the opinion of the Court on the construction of a deed, will, or other instrument, or on any other matter in dispute over which the Court may have jurisdiction, by virtue of this Act or otherwise, it shall be lawful for such persons to present a petition to the Court, stating the facts of the case, the draft of which shall be signed by counsel, and the name of such counsel shall appear on the petition, as signing the same on behalf of the parties thereto, and the Court on hearing such petition may make such declaration of rights in respect of the subject matter thereof as to the Court shall seem proper, and such declaration shall be binding on all persons in the same manner and to the same extent, and subject to appeal in the same manner, as a decree made on the hearing of a cause in which any one or more of the parties to the petition could be plaintiffs and the other parties or party defendants, and in which the facts stated in the petition had been proved: Provided always, that in case any infant, lunatic, or person of unsound mind, or any married woman in respect of her real estate, or of any reversionary interest in personal estate, shall be interested in the matter of such petition, he or she shall not be made a party thereto unless and until the case to be stated in such petition shall have been submitted to the Registrar, and shall be certified by him to be correctly stated as to the facts, and to be a proper case to be submitted to the Court on the behalf of the party under such disability as aforesaid; and the Registrar, before granting such certificate, shall require such facts to be verified by affidavit, and shall also require the assent to such case of the husband of any married

woman, and of the committee of any lunatic, and of the guardian *ad litem* of any infant or person of unsound mind, which guardian may be appointed in the same manner as in the case of a party defendant to a suit.

Court may exercise summary jurisdiction, so far as regards persons, &c. within the same, as exercised by High Court of Chancery.

XI. And be it enacted, That when under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed, or by any orders or regulations made in pursuance thereof, application is authorised or allowed to be made by petition or motion or otherwise to the High Court of Chancery or any judge of the said Court, and summary jurisdiction to be exercised thereon, (unless in any Act of Parliament to be hereafter passed the contrary be expressly enacted,) it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all persons and property within its jurisdiction, to exercise the like summary jurisdiction, and in the same manner, and subject to the same restrictions, in all respects as the said High Court of Chancery or any judge thereof might exercise in the like matters.

Money paid into Court under 8 & 9 Vic. c. 18, for Lands within the County Palatine, and under 10 & 11 Vic. c 96, may be paid into the Bank of England, to the joint account of the Clerk and Registrar.

XII. And be it enacted, That all monies payable in respect of lands situate within the said County Palatine, and which are authorised to be paid into or deposited in the Bank of England to the account of the Accountant-General of the High Court of Chancery, under and by virtue of the "Lands Clauses Consolidation Act, 1845," or any local or special Act passed or to be passed incorporating the provisions of the said last mentioned Act, or otherwise authorising the taking or using of lands situate in the said County Palatine, and also that all monies or securities held by any party who might be sued in the Court of Chancery of the said County Palatine in respect thereof and which under and by virtue of an Act made and passed in the Parliament held in the tenth and eleventh years of the reign of her present Majesty, intituled "An Act for better securing Trust Funds, and for the Relief of Trustees," might be in like manner paid or transferred

into or deposited in the Bank of England, to the account of the said Accountant-General, may, from and after the passing of this Act, be in like manner paid or transferred into or deposited in the Bank of England, to the joint account of the Clerk of the Council of the Duchy of Lancaster and of the Registrar and Comptroller of the said County Palatine Court in the matter in respect whereof such payment, transfer, or deposit shall be made, and the receipt of one of the cashiers of the said Bank shall be a full discharge to the person paying or transferring or depositing the same, and such monies and securities, and all costs of application in respect thereof, shall be dealt with by the said Court of Chancery of the County Palatine in the same manner as the same might be dealt with by the High Court of Chancery or by the Lord High Chancellor, or any of the Judges of the said High Court, if such monies or securities had been paid or transferred into or deposited in the Bank of England to the credit of the Accountant-General of that Court; and the lands in respect of which such payment, transfer, or deposit shall be made may be dealt with in the same manner as if it had been made in manner prescribed by the "Lands Clauses Consolidation Act:" Provided always, that no monies shall be so paid or deposited under or by virtue of the "Lands Clauses Consolidation Act, 1845," or any local or special Act as aforesaid, in case the party who would have been entitled to the rents and profits of the lands in respect of which such money shall be payable, or his or her guardian or committee in case of infancy or lunacy shall at any time before such payment or deposit serve or cause to be served a notice in writing at the office of the company taking the lands, requesting them not to make the payment or deposit.

Power to the Vice-Chancellor, when out of the limits of the jurisdiction of the Court, to hear and determine pleas, de-

XIII. And be it enacted, That in all matters over which the said Court of the said County Palatine may have jurisdiction it shall be lawful for the Vice-Chancellor for the time being of the said County Palatine, when out of the limits of the jurisdiction of the said Court, to hear and determine all pleas, demur-

rers, exceptions, applications for injunctions, both upon notice and *ex parte*, for dissolving injunctions, for the appointment of receivers, for the payment of money into and out of Court, or for confirming reports, and all motions, petitions, and other matters for facilitating the progress of any suit or business pending in the said Court which he might lawfully hear and determine within the limits of the jurisdiction thereof; and all orders made by him upon the hearing of any pleas, demurrers, exceptions, and applications as aforesaid, shall be as valid and binding upon the parties as if the same had been made within the limits of the jurisdiction of the said Court.

murrers, and other interlocutory matters.

Orders made upon hearing valid.

XIV. And be it enacted, That in all cases where any person who shall have commenced any suit or other proceeding, or entered an appearance in any suit or proceeding, in the said Court of the County Palatine, or shall have come in as a creditor, claimant or purchaser, or otherwise submitted to the jurisdiction of the said Court, cannot, by reason either of his person or goods being out of such jurisdiction, be made amenable to the process of such Court, and also in all cases where any such person as aforesaid shall have died, or become bankrupt or insolvent, and his real or personal representatives, or the asignees of his estate and effects (as the case may be), or any of them, who may be necessary parties to the continuance of the said suit or proceeding, shall be out of the jurisdiction of the said Court, it shall be lawful for the Vice-Chancellor of the said County Palatine, upon special application being made to him, whether within or without the said county, by any party to or person interested in such suit or proceeding, founded upon an affidavit verifying the facts of the case, to order and direct that service of any order, notice, subpœna, letter missive, or other process, shall be made and be deemed good service upon any such person, real or personal representative, or assignee as aforesaid, at any place within the United Kingdom of Great Britain and Ireland or the Isle of Man, upon such terms and

Power to the Vice-Chancellor, in certain cases, to direct process to be served upon persons out of the jurisdiction of the Court.

in such manner as to the said Vice-Chancellor shall seem reasonable and proper, and afterwards, if it shall be necessary, upon an affidavit of such service had, to order an appearance to be entered for the person so served ; and thereupon it shall be lawful for the said County Palatine Court to make such decree or order consequent upon such service so made as aforesaid as before the passing of this Act, or under the provisions of this Act, might have been made in case such service as aforesaid had been duly made within the jurisdiction of the said Court.

Where decree or order cannot be enforced by reason of the party to be bound thereby not being within the jurisdiction, it shall be enforced by making it an order of the High Court of Chancery.

XV. And be it enacted, That whenever a plaintiff or defendant in any suit or proceeding in which a decree or order shall have been made by the said County Palatine Court shall reside or withdraw his person or goods out of the jurisdiction of the said Court, and also whenever any decree or order of the said Court cannot be fully enforced by reason of the non-residence of any party to be bound thereby within the jurisdiction of the said Court, then and in every such case it shall be lawful for Her Majesty's High Court of Chancery, upon the application of any person entitled to the benefit of such decree or order, and upon the production of a transcript of such decree or order, or such part thereof respectively as cannot be enforced for the reasons aforesaid, under the signature of the Registrar of the said County Palatine Court, and an affidavit that by reason of such non-residence or removal as aforesaid, such decree or order, or such part thereof as aforesaid, cannot be enforced, to make such decree or order, or so much thereof respectively as cannot be enforced for any of the reasons aforesaid, a decree or order of the said High Court of Chancery, and thereupon such decree or order, or such part thereof respectively as aforesaid, shall and may be enforced against such of the parties bound by the same as shall be within the jurisdiction of the said High Court of Chancery, and all proceedings shall and may be had thereupon as if such decree or order had been originally made by the said High Court of Chancery, and all the reasonable costs and

charges of and consequent upon such application shall and may be recovered in like manner as if the same were part of such decree or order.

No petition of appeal to be presented but within six months after date of decree or order appealed from.

XVI. And be it enacted, That from and after the commencement of this Act no petition of rehearing by way of appeal from any decree or order made by the Vice-Chancellor for the time being of the said County Palatine shall be presented but within the space of six calendar months from the time of making the same, unless the Chancellor of the said Duchy and County Palatine, upon special application being made to him for that purpose, and after hearing counsel upon the merits of the case, shall otherwise direct: Provided nevertheless, that the Vice-Chancellor of the said County Palatine shall, at his own discretion, be at liberty to hear petitions for rehearing, and also to rehear any matters previously decided by him in the Court of the said County Palatine; but any order made on such rehearing shall be deemed an original order, with reference to the right to appeal therefrom.

Service of subpœna on witnesses out of jurisdiction to be valid to compel attendance;

XVII. And be it enacted, That the service of every writ of subpœna to attend and give evidence, or subpœna *duces tecum*, hereafter to be issued out of the said County Palatine Court, and served upon any person out of the jurisdiction thereof, shall be as valid and effectual for compelling the attendance of such person at any time and place to be named in such writ of subpœna, to be there examined, either before the Registrar of the said Court, as well in his capacity of Examiner as in that of Master of the said Court, or before Commissioners under any Commission to be issued by the said Court for the examination of witnesses, or to be examined *vivâ voce* at the hearing of any matter or suit before the said Court or before the Registrar, or for compelling the attendance of such person by virtue of any writ of subpœna *duces tecum*, and shall entitle the party suing out the same to all the like remedies, by action and otherwise, as if the same had been

and the Courts of Queen's Bench in England and Ireland and the Court of Justiciary in Scotland may proceed against and punish persons making default.

served within the jurisdiction of the said Court; and in case the person so served shall not attend according to the exigency of such writ, it shall be lawful for the said County Palatine Court, upon affidavit of the personal service of such writ, to transmit a certificate of such default, under the hand of the Registrar of the said Court, to the Court of Queen's Bench in England, to the Court of Justiciary in Scotland, or to the Court of Queen's Bench in Ireland; and the said last-mentioned Courts respectively shall and may thereupon proceed against and punish, by attachment or otherwise, according to the course and practice of the said respective Courts, the person so having made default, in such and the like manner as they might have done if such person had refused or neglected to appear in obedience to a writ of subpœna or other process issued to compel the attendance of witnesses out of such last-mentioned Courts respectively.

Persons not liable to action for not attending, unless expenses be tendered on serving subpœna.

XVIII. Provided always, and be it enacted, That the said last-mentioned Courts respectively shall not in any case proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing in obedience to any writ of subpœna, or writ of subpœna *duces tecum*, or other process for that purpose issued under the authority of this Act, unless it be made to appear to such Courts respectively that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna, or writ of subpœna *duces tecum*, or other process, was served upon him.

Affidavits sworn before Commissioners or Masters Extraordinary by persons out of jurisdiction to be effectual, and persons forswearing themselves

XIX. And be it enacted, That it shall be lawful for any Commissioner for taking affidavits to be made use of in causes, matters, and things depending in the Court of the Duchy Chamber of Lancaster at Westminster, or for any Master Extraordinary of the High Court of Chancery, to administer an oath to or take the affirmation (where allowed by law) of any person

out of the jurisdiction of the said County Palatine Court who shall be desirous of making an affidavit to be used in any suit or matter pending before such last-mentioned Court; and every such affidavit so sworn or affirmed as aforesaid shall be as valid and effectual for all the purposes for which the same shall be required as if the same had been sworn or affirmed before the proper officer of the said County Palatine Court within the jurisdiction of the Court; and every person wilfully forswearing himself or making false affirmation in such affidavit, and being lawfully convicted thereof, shall be liable to the penalties of wilful and corrupt perjury. to be guilty of perjury.

XX. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of Lancaster for the time being to appoint a fit and proper person resident within the County Palatine of Lancaster, to be and to be called "The Messenger of the Court of Chancery of the County Palatine of Lancaster," to attend upon the said County Palatine Court, and to execute the process thereof; and from time to time, upon the death, resignation, or removal of any such person to appoint a successor to the said office; and that the person so appointed as aforesaid shall hold his office during the pleasure of the said Chancellor, and may be removed in a summary manner, and may and shall receive such fees for executing the process of the said Court as the said Chancellor and the Vice-Chancellor of the said County Palatine shall from time to time, by any General Order to be made in pursuance of the provisions hereinafter contained, authorise and direct. Power to Chancellor of the Duchy to appoint a Messenger of the Court.

XXI. And be it enacted, That the gaoler or keeper for the time being of her Majesty's Gaol at Lancaster, called Lancaster Castle, is hereby authorised and required to receive into his custody in such gaol every person arrested and conveyed thither by such Messenger as aforesaid, by virtue of any writ, warrant, or other process issuing out of the said County Palatine Court, Keeper of Lancaster Castle to receive persons arrested and conveyed thither by Messenger, and to produce and deal with them as

Court shall direct.

and to produce and deal with such person as the said Court shall from time to time direct; and every such person as aforesaid shall be maintained and provided for in the same manner as if he had been arrested and brought to such gaol by virtue of any writ, warrant, order, or other process issued out of the Court of Common Pleas of the said County Palatine, or any of the Superior Courts of Law or Equity at Westminster, or committed for contempt of any of the said last-mentioned Courts; and all the expenses of maintaining and providing for every person so arrested or committed to the said gaol as aforesaid shall be defrayed out of such portion of the county rate of the said County Palatine as for the time being shall be applicable to the support of the debtors confined in the said gaol.

After appointment of Messenger, duties of Messenger of Duchy to cease within its limits.

XXII. And be it enacted, That from and after the appointment of such Messenger as aforesaid all and singular the powers, authorities, and duties of the Messenger for the time being of the Duchy of Lancaster, and of any deputy appointed by him, shall absolutely cease and determine within the limits of the said County Palatine.

Jurisdiction of County Palatine Court over persons of unsound mind abolished, except as to cases of persons found insane before the commencement of this Act.

XXIII. And whereas it is expedient that the jurisdiction of the said County Palatine Court in cases of lunacy should be abolished: Be it therefore enacted, That from and after the passing of this Act, all the power, authority, and jurisdiction of the said County Palatine Court over the persons and estates of idiots and lunatics within the limits of the said County Palatine shall cease and determine, except as to the cases of those persons who shall at the time of the commencement of this Act have been found to be of unsound mind under or by virtue of any commission issuing from the said County Palatine Court, in all which last-mentioned cases the authority and jurisdiction of the said Court of the County Palatine shall continue in as full force and effect as if this Act had not been passed, anything herein contained to the contrary notwithstanding.

Certain provisions of 1 & 2 Vict. c. 110, as to decrees and orders in Equity to apply to County Palatine Court.

XXIV. And for removing all doubts in respect of the effect of an Act passed in the second year of the reign of her present Majesty, intituled "An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the laws for the Relief of Insolvent Debtors in England," whereby it was enacted, that all decrees and orders of Courts of Equity whereby any sum of money, or any costs, charges, or expenses, should be payable to any person, should have the effect of judgments in the Superior Courts of Common Law, and the persons to whom any such monies, or costs, charges, or expenses, should be payable were to be deemed judgment creditors within the meaning of the said Act, and all powers thereby given to the judges of the Superior Courts of Common Law, with respect to matters depending in the same Courts, should and might be exercised by Courts of Equity with respect to matters therein depending, and all remedies thereby given to judgment creditors were in like manner given to persons to whom any monies, or costs, charges, or expenses, were by such orders or rules respectively directed to be paid; and also as to the effect of the several Acts passed in the Sessions of Parliament held in the second and third years and in the third and fourth years of the reign of her Majesty amending the said recited Act, Be it declared and enacted, That all the remedies, authorities, and provisions of the recited Act, so amended as aforesaid, and of the said Acts amending the same, applicable to her Majesty's Superior Courts of Common Law at Westminster, and the judgments and proceedings therein, do extend and are applicable to the Court of Chancery of the County Palatine of Lancaster within the limits of the jurisdiction thereof, and shall have the same effect in all respects as the judgments of any of her Majesty's said Superior Courts at Westminster under and by virtue of the said recited Act, amended as aforesaid; and all powers and authorities thereby given to the judges or any judge of her Majesty's Superior Courts at Westminster, with respect

to matters depending in the same Courts, shall and may be exercised by the Chancellor of the said Duchy or Vice-Chancellor of the said Court of the County Palatine with respect to matters therein depending and within the jurisdiction thereof: Provided always that no decree or order of the said last-mentioned Court shall by virtue of the said recited Act or this Act affect any lands, tenements or hereditaments, as to purchasers, mortgagees or creditors, unless and until a memorandum or minute, containing the name, and the usual or the last known place of abode, and the title, trade, or profession of the person whose estate is intended to be affected thereby, and the name of the Court, and the title of the cause or matter in which such decree or order shall have been made, and the date of such decree or order, and the amount of the sum of money, cost, charges, or expenses thereby made payable, shall be left with the Prothonotary or Deputy Prothonotary of her Majesty's Court of Common Pleas at Lancaster, or some other officer to be appointed for that purpose by the said Court, who shall forthwith enter the same particulars in a book in alphabetical order, by the name of the person whose estate is to be affected thereby; and such officer shall be entitled for every such entry to the sum of two shillings and sixpence; and all persons shall be at liberty to search the same book on payment of the sum of one shilling.

No decree or order of Court to affect any lands, &c. until the particulars shall have been left with the Prothonotary, and entered in a book.

Fees payable for such entry.

XXV. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of Lancaster (if he shall think fit), by an order under his hand, to direct that all attornies and solicitors of any of the Superior Courts of Law or Equity at Westminster, and all attornies of the Court of Common Pleas at Lancaster, on being registered as by this Act provided, may appear and prosecute or defend any suit or proceedings in the Court of Chancery of the said County Palatine, and that the office and privileges of the Clerks in Court of the said Court shall cease and determine accordingly; and thereupon the said Chancellor, with the advice and consent of the Vice-

Power for Chancellor of Duchy to abolish office of Clerk in Court and admit all attornies and solicitors to practise in the Court of Chancery of the County Palatine.

Chancellor of the Court of Chancery of the County Palatine, shall and he is hereby empowered to make all such orders as may be necessary or proper in respect of or consequent on the abolition of the said office.

Power to grant compensation to Clerks in Court for losses occasioned by abolition of office.

XXVI. Provided always, and be it enacted, That in case the Chancellor of the said Duchy and County Palatine shall make such order as aforesaid for the determination of the office of Clerks in Court, it shall be lawful for the said Chancellor and he is hereby required, at any time within six calendar months after the date of such order, to receive any claims which may be made for compensation by any person holding that office at the time of such order in respect of loss occasioned by the abolition of the office, and to award and determine the amount, if any, of compensation proper to be allowed to such claimant, either in a gross sum or by way of annuity for life, having regard to the loss sustained, and the conditions on which any such Clerk in Court may have been appointed to his office, and to any notice which may have been given to him that the same was to be held subject to the abolition or regulation thereof; and for the purposes aforesaid the said Chancellor shall have full power to examine the said Clerks in Court or any other persons upon oath, and to compel the attendance of all such persons, and the production of all necessary books, papers, and accounts and documents; and the said Chancellor shall, after such inquiry, certify under his hand the amount of compensation proper to be paid to every such Clerk in Court as aforesaid.

Admission fee to be paid by solicitors desirous of practising in Court of Chancery of the County Palatine.

XXVII. And be it enacted, That in case of the abolition of the said Clerks in Court, every attorney or solicitor desirous of practising in the Court of Chancery of the said County Palatine shall enter or cause to be entered his name and address with the Registrar of the said Court; and that, until all compensation to be awarded to the Clerks in Court or any of them shall have been paid and satisfied, such sum, not exceeding five pounds,

as the Chancellor of the said Duchy and County Palatine shall, by any General Order to be inserted in the table of fees, from time to time direct, shall be paid by or on behalf of every such attorney or solicitor to the Registrar, before his name shall be entered with the said Registrar; and the monies so paid shall be paid by the Registrar into Court to an account to be entitled the "Fee Fund Account;" and further, that until all monies awarded as compensation to the said Clerks in Court or any of them shall have been paid and satisfied, it shall be lawful for the Chancellor of the Duchy and County Palatine of Lancaster to direct that the Fees, or such portions as he shall think proper of any of the Fees to be allowed by such Table of Fees as in this Act is directed to be kept, shall be paid to the Registrar, to be by him paid into Court to the account of the said Fee Fund.

Application of fees.

Payment of Compensation out of Fee Fund, or, in case of Deficiency, out of Revenues of the Duchy, to be repaid out of Fee Fund.

XXVIII. And be it enacted, That the compensation to be awarded to the said Clerks in Court or any of them shall be paid from time to time out of the Fee Fund; and if the same be insufficient, then out of the general revenues of the said Duchy, as the said Chancellor of the said Duchy and County Palatine shall by warrant or order under his hand from time to time direct; but in case of their being paid out of the revenues of the said Duchy, the same shall be repaid to the Receiver-General of the said Duchy out of the Fee Fund, as the said Chancellor shall from time to time by order under his hand direct; and the payments directed to be made to the said Fee Fund shall continue until such repayment, and all other repayments directed to be made by this Act out of the same, shall have been made.

Power to the Chancellor of the Duchy to direct that the Registrar be paid by salary.

XXIX. And be it enacted, That if the Chancellor of the Duchy and County Palatine of Lancaster for the time being shall at any time think fit to direct, by warrant under his hand, that a fixed salary shall be paid to the Registrar of the Court of Chancery of the said County Palatine, in lieu of fees, then and thenceforth there shall be paid and payable out of the said Fee

Fund, or if the same be not sufficient for that purpose, then by the Receiver-General for the time being of the Duchy of Lancaster, out of the revenues of the said Duchy, as and for the salary to the Registrar for the time being of the said Court of the County Palatine, such annual sum as the Chancellor for the time being of the said Duchy and County Palatine shall from time to time, by warrant under his hand, authorise and direct; and such salary shall grow due from day to day, but shall be payable on such days as the said Chancellor shall by such warrant as aforesaid direct, and shall be paid to the person entitled thereto, or his executors or administrators, free from all deductions out of the same, except the tax on income; and all payments made out of the revenues of the said Duchy shall be repaid out of the said Fee Fund.

Registrar to make out an account of all fees received by him, and have the same audited by the Vice-Chancellor.

XXX. And be it enacted, That, in the event of such fixed salary being awarded, the said Registrar for the time being shall, once in every year, or oftener if required by the Chancellor of the said Duchy, on such day as shall be appointed for that purpose by the Vice-Chancellor of the said County Palatine, make out a full and true account of all fees received by him by virtue of his appointment during the preceding year, or subsequent to his last account, and shall have such account audited by the Vice-Chancellor, who is hereby required to audit the same, and if found correct to allow the same by putting his signature thereto and to a duplicate copy thereof; and that in such account and audit there may and shall be charged and allowed such sums of money as to the said Vice-Chancellor shall seem reasonable for the rent, taxes, and cleaning of the offices where the business of the County Palatine Court is transacted, for providing the said offices with coals, candles, and other necessary articles, and for the books and stationery supplied by such Registrar for carrying on the business of the said offices, and for salaries of clerks, expenses of journeys, postages, and carriage of parcels, and all other incidental and necessary expenses.

Duplicate of account to be transmitted to Auditor of Duchy.

XXXI. And be it enacted, That the said Registrar shall, within ten days after every such account shall be so audited as aforesaid, transmit the duplicate copy of such account, signed by the Vice-Chancellor as before directed, to the auditor for the time being of the Duchy of Lancaster.

Registrar to pay fees to account of Duchy Fee Fund, and to give security to account for all fees and suitors' money received by him.

XXXII. And be it enacted, That the said Registrar shall from time to time, when he shall transmit the duplicate copy of the said account of fees to the Auditor for the time being of the said Duchy of Lancaster, as before directed, at the same time pay into Court to the "Fee Fund Account" the total amount of fees which by such account shall appear to be due from the said Registrar; and the said Chancellor of the Duchy and County Palatine of Lancaster in such case may and is hereby authorised and empowered to take from the Registrar for the time being of the said County Palatine Court such security, by bond, recognizance, or otherwise, as to the said Chancellor shall seem fit, binding such Registrar, together with one or more sufficient surety or sureties, in such penal sum or penal sums as to the said Chancellor shall seem meet for the due accounting for all fees and for all sums of money which shall be received by such Registrar by virtue of his appointment, or under any Order of the said County Palatine Court respectively in any matter or suit pending in the said Court.

Power for Chancellor to appoint District or Deputy Registrars.

XXXIII. And be it enacted, That it shall be lawful for the said Chancellor of the Duchy and County Palatine of Lancaster, after he shall have directed a fixed salary to be paid to the Registrar as aforesaid, from time to time to appoint, by writing under his hand, such competent persons as he shall think fit to act either as District or as Deputy Registrars of the said Court of Chancery of the said County Palatine during the pleasure of the Chancellor for the time being of the said Duchy and County Palatine, and to assign to any District Registrar a District; and such District Registrars within their Districts, and such Deputy

Registrars, shall and may have and exercise all such powers and authorities in respect of any matters referred to them by the said Court by any general or special order as might be exercised by the Registrar; and the fees, or salary payable out of fees, payable to every such District or Deputy-Registrar shall be such as the Chancellor of the said Duchy and County Palatine, with the advice and consent of the Vice-Chancellor of the County Palatine, shall direct, and shall be included in the table of fees hereby directed to be kept; and the Acts of such District or Deputy-Registrars in respect of all matters referred to them by the said Court shall be as valid and effectual, and subject to revision, in the same manner as if they were performed by the Registrar of the Court.

Registrars not to practise as solicitors in the Court.

XXXIV. Provided always, and be it enacted, That it shall not be lawful for any Registrar, District or Deputy-Registrar, of the said Court, during the time he shall hold and exercise the office of Registrar, District or Deputy-Registrar, of the said Court, either directly or indirectly, by himself, his partner, clerk, or other person, to practise in the said Court of Chancery of the County Palatine, either as solicitor originally retained for any party in any matter pending in the said Court, or as agent for any other attorney or solicitor practising in the said Court, nor participate in any fees payable to any attorney or solicitor so practising; and that any Registrar, District or Deputy-Registrar, being proved to the satisfaction of the said Court for the time being to have so practised, or to have participated in any fees as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed a contempt of Court, and shall be liable to dismissal from his office, or to the payment of such fine, or liable to such other punishment, as to the said Court for the time being shall seem fit.

Court to have jurisdiction as to costs, but

XXXV. And be it enacted, That in all proceedings under and by virtue of this Act there shall be the same jurisdiction as

Orders to be subject to appeal.

to costs vested in the said Court of the County Palatine as such Court could exercise in any other cause or matter; and the orders of the said Court made in pursuance of this Act shall be subject to appeal in the same manner in all respects as any other orders of the Court.

Interpretation of terms.

XXXVI. And be it enacted, That in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) "the said County Palatine Court" shall mean the Court of Chancery of the County Palatine of Lancaster; words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender only shall include females as well as males; and words importing individuals shall include bodies corporate.

Commencement of Act.

XXXVII. And be it enacted, That this Act shall commence and take effect on the first day of November one thousand eight hundred and fifty.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

STATUTES

RELATING TO THE PRACTICE

OF THE

CHANCERY OF THE COUNTY PALATINE.

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17 & 18 VICT. CAP. 82.

An Act further to Improve the Administration of Justice in the Court of Chancery of the County Palatine of Lancaster.

(7th August, 1854.)

Whereas an Act was passed in the Session of Parliament held in the thirteenth and fourteenth years of the reign of her present Majesty, intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster:" And whereas according to the present practice the jurisdiction in matters of appeal from the said Court of Chancery is exercised by the Chancellor of the Duchy and County Palatine of Lancaster in the Court of the Duchy Chamber at Westminster, and sitting with two Judges of Assize for the said County for the time being; and such exercise of the said jurisdiction has been attended with much expense and inconvenience, and it is expedient to provide for the exercise thereof in a more convenient manner, and also to make further provision for the administration of justice in the said Court of the

13 & 14 Vict., c. 43.

County Palatine: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

Formation of Court of Appeal in Chancery of the County Palatine.

I. The Chancellor of the Duchy and County Palatine of Lancaster and the two Lords Justices of the Court of Appeal in Chancery shall form the Court of Appeal in Chancery of the said County Palatine.

Powers, &c. of Court of Appeal may be exercised by Lords Justices, &c.

II. All the jurisdiction, powers and authorities of the Court of Appeal may be exercised either by one only of the said Lords Justices and the Chancellor of the said Duchy and County Palatine, sitting together as such Court of Appeal, or by both of the said Lords Justices sitting as such Court apart from the Chancellor of the said Duchy and County Palatine: Provided always that the Chancellor of the said Duchy and County Palatine may, while sitting alone or apart from the said Lords Justices, have and exercise the like jurisdictions, powers and authorities as might have been exercised by the Chancellor of the said Duchy and County Palatine sitting alone, if this Act had not been passed.

Saving rights of the Chancellor sitting alone.

Decrees, &c. of the Court of Appeal may be appealed from to the House of Lords.

III. All decisions, decrees or orders of the Court of Appeal shall be subject to appeal to the House of Lords in the cases and under the conditions in and under which the like decisions and decrees or orders of the Chancellor of the said Duchy and County Palatine, sitting alone, or together with any other person or persons, would have been subject to such Appeal, if this Act had not been passed.

Decision of the majority to be binding, and if Court equally

IV. The decision of the majority of the Court of Appeal shall be taken and deemed to be the decision of the said Court: And if the Judges of the Court be equally divided in opinion on any

cause or matter brought before the Court by way of appeal, the decree or order appealed from shall be taken and deemed to be affirmed. divided decree to be affirmed.

V. The Court of Appeal shall make such regulations as may from time to time be necessary for fixing and regulating the sittings and business of the Court; and the Registrar and other officers who, according to the existing practice, are attendant upon the Chancellor of the said Duchy and County Palatine in matters of appeal in his Chancery, shall be the Registrar and officers of the Court of Appeal, and shall be in like manner attendant upon the said Court of Appeal: Provided always, that any order of the said Court of Appeal may and shall be drawn up by any Registrar of the High Court of Chancery, if so directed by the said Lords Justices or either of them. Court of Appeal to make regulations for sittings and business of the Court, and Officers now attendant on the Chancellor in Matters of Appeal to be the Officers of the Court of Appeal.

VI. Whereas it was enacted by the first section of the said recited act, That it should be lawful, from and after the passing of the said act, for the Chancellor of the Duchy and County Palatine of Lancaster, for the time being, with the advice and consent of the Vice-Chancellor of the said County Palatine for the time being, and one of the Vice-Chancellors of the High Court of Chancery to be named for that purpose by writing under the hand of the Lord High Chancellor or other officer having the custody of of the Great Seal, or (if more than one) of the Chief Commissioner or officer having such custody, by any rules or orders to be by him from time to time made, with such advice and consent as aforesaid, to make such alterations as to him might seem expedient in the form of writs and commissions, and the mode of sealing, issuing, executing, and returning the same; and also in the form of and mode of filing bills, answers, depositions, affidavits, or other proceedings; and in the form or mode of obtaining discovery by answer in writing or otherwise; and in the form or mode of pleading and of taking evidence; and gene- Powers given by the recited Act to the Chancellor, with the advice and consent of the Vice-Chancellor of the County Palatine and one of the Vice-Chancellors of the High Court of Chancery, to be exercised with the advice and consent of the Lords Justices of Appeal in Chancery and the Vice-Chancellor of the County Palatine.

rally of proceeding to obtain relief in the Court of Chancery of the said County Palatine, and in the general Practice of the said Court; and also in the form and mode of proceeding before the Registrar of the said Court; and of drawing up, entering, and enrolling orders and decrees, and of making and delivering copies of pleadings and other proceedings; and also to regulate the taxation, allowance, and payment of costs, and all other the business of the said Court: Be it enacted, That all the powers thereby given to the Chancellor of the said Duchy and County Palatine of Lancaster shall not, from and after the passing of this Act, be exercised with such advice and assistance as aforesaid, but shall be exercised with the advice and consent of one of the Lords Justices of Appeal in Chancery for the time being and the Vice-Chancellor of the said County Palatine for the time being.

Court of Appeal may make orders for the protection of wards or other persons entitled to the protection of the Court of Chancery of the County Palatine, and for punishment of contempt of Court, to have the effect of orders of the High Court of Chancery.

VII. In all cases in which, by reason of any person being out of the jurisdiction of the Court of Chancery of the said County Palatine, or otherwise, effectual protection cannot be given to any ward of the said Court, or to any executor, administrator, officer of the Court, or other person entitled to the protection of the said Court, against any action, suit or other proceeding, or in which, for the same reason or otherwise, any contempt of the said Court cannot be effectually punished, it shall be lawful for the Court of Appeal, upon the application of any person concerned, to make such order or orders for the protection of such ward, or of such executor, administrator, officer of the Court, or other person as aforesaid, or for the punishment of any such contempt, as to the said Court of Appeal shall seem just, and according to the practice of the High Court of Chancery in like matters; and every such order shall have the same operation and effect as an order of the High Court of Chancery, and shall and may be enforced, and all proceedings shall and may be had thereupon, as if the same had been made by that Court.

In cases where the parties are out of the jurisdiction, Court of Appeal may either direct the cause or matter to be transferred to the High Court of Chancery or service to be effected out of the jurisdiction.

VIII. In all cases in which any person who may be a necessary or proper party to any suit or other matter in the Court of Chancery of the said County Palatine, shall not be subject to the jurisdiction of the said Court, it shall be lawful for the Court of Appeal, on the application of the plaintiff in such suit, or of any person to whom the conduct of such suit may have been committed, or of the party proceeding in such other matter, if that Court shall think fit, and according as it shall appear to that Court best calculated to answer the ends of justice, either to order and direct that the said suit or other matter be transferred to the High Court of Chancery, or otherwise to order and direct that such service as may be proper be effected upon such person out of the jurisdiction of the said Court of the said County Palatine, and such application shall be made either *ex parte* or upon such notice as the said Court of Appeal shall think fit: Provided nevertheless, that if such order for service shall have been made without notice to any person affected thereby, it shall be lawful for the Court of Appeal, upon the subsequent application of any such person, to make such order for transferring the said suit or other matter to the High Court of Chancery or otherwise as to the said Court of Appeal shall seem just.

Suits transferred to be proceeded with according to the practice of the Court of Chancery, &c.

IX. In case such suit or matter shall be directed to be transferred as aforesaid, all proceedings therein shall be transmitted by the officer of the Court of the said County Palatine to the proper officer of the High Court of Chancery, to be filed, and the same shall thereafter be proceeded with according to the practice of that Court; and in case service shall be directed as aforesaid, the same shall be of such and the same force and effect, and such and the same proceedings may be had thereupon, as if service had been duly effected within the jurisdiction of the said Court of the said County Palatine.

Provisions of

X. The provisions in the said recited Act contained for

recited Act as to enforcing decrees, &c. of Court of Chancery to apply to Court of Appeal.

enforcing decrees and orders made by the Court of Chancery of the said County Palatine, by making them decrees or orders of the High Court of Chancery, shall extend and apply to decrees or orders made by the Court of Appeal.

All the powers and authorities of the Trustee Act, 1850, and the 15 & 16 Vict. c. 55, shall extend to lands and personal property in the County Palatine.

XI. And whereas by the twenty-first section of the Trustee Act, 1850, it was enacted, That as to any lands situated within the County Palatine of Lancaster, it should be lawful for the Court of Chancery in the County Palatine of Lancaster to make a like order in the same cases as to any lands within the jurisdiction of the same Court as the Court of Chancery has, under the provisions thereinbefore contained, been enabled to make concerning any lands, and that every such order of the Court of Chancery in the County Palatine of Lancaster should, as to such lands, have the same effect as an order of the Court of Chancery: Provided always, that no person who is anywhere within the limits of the jurisdiction of the High Court of Chancery should be deemed by such local Court to be an absent trustee or mortgagee within the meaning of that Act: And whereas by an Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five, the provisions of the Trustee Act, 1850, were in some respects amended, and further and other provisions made: And whereas several provisions of the said Trustee Act, 1850, subsequent to the twenty-first section, and the provisions of the said Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five, are applicable and ought to be applied to persons and property within the jurisdiction of the said Court of Chancery of the County Palatine of Lancaster: And whereas by the eleventh section of the said Act of the thirteenth and fourteenth years of the Queen, chapter forty-three, it was enacted, That when, under and by virtue of any Act of Parliament made and passed or which might thereafter be made and passed, or by any orders or regulations made in pursuance thereof, application is authorised or allowed to be made by petition or motion, or otherwise, to the High Court of Chancery, or any judge of the said

Court, and summary jurisdiction to be exercised thereon, (unless in any Act of Parliament to be thereafter passed the contrary should be expressly enacted,) it should be lawful for the Court of Chancery of the said County Palatine, so far only as regards all persons and property within its jurisdiction, to exercise the like summary jurisdiction, and in the same manner and subject to the same restrictions in all respects as the said High Court of Chancery or any judge thereof might exercise in the like matters: But whereas doubts are entertained as to the extent of the jurisdiction of the said Court of Chancery of the said County Palatine with respect to trust estates within the said County Palatine, so far as relates to the provisions of the said Trustee Act of 1850 subsequent to the twenty-first Section, and to the provisions of the said Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five: Be it enacted, That all the powers and authorities given by the said Trustee Act of 1850, and by the said Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five, to the Court of Chancery in England, and all the provisions therein contained, shall and may be exercised in like manner and are hereby given and extended to the said Court of Chancery of the said County Palatine, with respect to all lands and personal estate within the said County Palatine: Provided always, that no person who is anywhere within the limits of the jurisdiction of the High Court of Chancery shall be deemed by the Court of Chancery of the said County Palatine to be an absent trustee or mortgagee within the meaning of the said Acts.

Powers of Court of Chancery to deal with property of Infants, &c., and in the administration of assets to be exercised by Palatine Court.

XII. When under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed power and jurisdiction are or shall be given to the High Court of Chancery to manage, dispose of, or deal with the property of infants or other persons under disability, or to manage, dispose of, or deal with property in the administration of assets, then and in every such case (unless in any Act the contrary be

expressly enacted), it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all persons and property within its jurisdiction, to exercise the like power and jurisdiction in the same manner, and subject to the same restrictions in all respects as the said High Court of Chancery might exercise in the like matters.

Monies payable under 13 & 14 Vict. c. 43, s. 12, into the Bank of England, may be paid into Branch Bank within the County Palatine.

XIII. And whereas by the twelfth section of the said Act of the thirteenth and fourteenth years of the Queen, chapter forty-three, it was enacted, That all monies payable in respect of lands situate within the said County Palatine, and which are authorized to be paid into or deposited in the Bank of England to the account of the Accountant General of the High Court of Chancery, under and by virtue of the Lands Clauses Consolidation Act, 1845, or any local or special Act passed or to be passed incorporating the provisions of the said last-mentioned Act, or otherwise authorising the taking or using of lands situate in the said County Palatine, and also that all monies and securities held by any party who might be sued in the Court of Chancery of the said County Palatine in respect thereof, and which, under and by virtue of an Act made and passed in the Parliament held in the tenth and eleventh years of the reign of her present Majesty, intituled "An Act for better securing Trust Funds, and for the Relief of Trustees," might be in like manner paid or transferred into or deposited in the Bank of England to the account of the said Accountant-General, might, from and after the passing of the said Act now in recital, be in like manner paid or transferred into or deposited in the Bank of England, to the joint account of the Clerk of the Council of the Duchy of Lancaster and of the Registrar and Comptroller of the said County Palatine Court in the matter in respect whereof such payment, transfer or deposit shall be made, and that the receipt of one of the cashiers of the said Bank should be a full discharge to the person paying or transferring or depositing the same, and that such monies and securities, and all costs of application in respect thereof,

should be dealt with by the said Court of Chancery of the County Palatine in the same manner as the same might be dealt with by the High Court of Chancery, or by the Lord High Chancellor or any of the Judges of the said High Court, if such monies or securities had been paid or transferred into or deposited in the Bank of England to the credit of the Accountant-General of that Court, and the lands in respect of which such payment, transfer or deposit should be made might be dealt with in the same manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: And whereas since the passing of the said recited Act the said County Palatine has been divided into Districts, and Registrars and Comptrollers have been appointed for such Districts respectively: Be it enacted, That any monies and securities to be paid or transferred or deposited under the said recited provision may be so paid or transferred into or deposited with some one or other of the Branches of the Bank of England within the said County Palatine, to the joint account of the Clerk of the Council of the Duchy of Lancaster and the Registrar and Comptroller of the District within which such Branch Bank is so situate, and the receipt of the manager, or agent, or cashier of such Branch Bank shall be a full discharge to the person paying or transferring or depositing the same, and such payment, transfer or deposit shall have the same force and effect as any payment, transfer or deposit made under the said recited provision would have had: Provided always, that no monies shall be so paid or deposited under or by virtue of the Lands Clauses Consolidation Act, 1845, or any Local or Special Act as aforesaid, in case the party who would have been entitled to the rents and profits of the lands in respect of which such monies shall be payable, or his or her guardian or committee in case of infancy or lunacy, shall at any time before such payment or deposit serve or cause to be served a notice in writing at the office of the Company taking the lands, requesting them not to make the payment or deposit.

Provision as to costs and appeals.

XIV. In all proceedings under and by virtue of this Act the said Court of Chancery of the County Palatine and the Court of Appeal hereby constituted respectively shall have full jurisdiction to deal with the costs thereof and occasioned thereby, and all Orders made by the said Courts respectively, in pursuance of this Act, shall be subject to appeal in the same manner in all respects as any other Orders of the said Court of Chancery of the said County Palatine.

Short titles.

XV. Whenever it shall be necessary to cite or refer to the said first-recited Act or this Act, it shall be sufficient to cite or refer to the same respectively as the "Court of Chancery of Lancaster Act, 1850," and as the "Court of Chancery of Lancaster Act, 1854."

GENERAL RULES AND ORDERS.

RULES AND REGULATIONS

OF THE

COURT OF APPEAL

IN THE

CHANCERY OF THE COUNTY PALATINE OF LANCASTER.

(19TH MAY, 1855.)

I. The Court of Appeal will hold its sittings at the same times and places as the Court of the Lords Justices of the Court of Appeal in Chancery, and at all such other times and places as the Judges of the said Court of Appeal in Chancery of the County Palatine or any two of them shall from time to time appoint.

II. Any order or decree of the Palatine Court made upon motion may be brought before the Court of Appeal by notice of motion to discharge or vary the same.

III. Copies of such notices of motion are to be delivered at the Office of the Duchy of Lancaster, and entered there in like manner as petitions of appeal have been hitherto so entered.

IV. In other cases the appeal is to be by petition addressed to the Court of Appeal, and such petitions are to be entered at the Office of the Duchy in the manner heretofore practised

V. All appeals are until further order to be set down to be heard before the Court of Appeal on the second Monday of each Term. But in any urgent case application may be made to the Court, or to any two of the Judges thereof, to appoint a time for hearing the same.

VI. Applications *ex parte*, under the 7th and 8th sections respectively of the Acts 17th and 18th Victoria, chapter 82, and all other *ex parte* applications may be made at any time to the Court or any two Judges thereof.

VII. All other applications under the said sections respectively, and all applications to discharge or vary any interlocutory order of the Court, are to be brought before the Court by notice of motion.

VIII. Every such notice of motion is to be entered at the Duchy Office, and to be set down to be heard on the next day for hearing appeals, unless the Court shall appoint some other time for hearing the same.

IX. It shall not be necessary to bring up from the Palatine Court any of the original proceedings, unless the Court of Appeal shall require the same for the purposes of any appeal; but if so required, the proper Registrar of the Palatine Court shall transmit the same to the proper officer of the Duchy Court, to be produced to the Court of Appeal.

X. Any of the parties may require the Registrar of the Palatine Court to transmit to the proper officer of the Duchy Court, for production on the hearing of any appeal, any documents relating to the suit or matter in the custody of such Registrar; but the party requiring the same shall abide by such order as to the costs occasioned thereby as the Court shall make.

XI. All orders of the Court of Appeal shall be recorded in the Duchy Office as heretofore done with respect to the orders made on appeals by the Court of the Duchy Chamber at Westminster, and copies of such orders shall be transmitted to the proper Registrar for the direction of the Judge and officers of the Palatine Court.

XII. The fees in all appeal matters shall be the same as those heretofore authorised by the Court of the Duchy Chamber, so far as the same shall be applicable; but where by reason of any change of practice there shall be no existing fee applicable to any proceeding or order, then such fee (if any) as would be payable according to the practice of the High Court of Chancery, shall be payable in respect thereof.

XIII. Any solicitor of the High Court of Chancery, or of the Chancery of the County Palatine, may practice as solicitor in the Court of Appeal, and every such solicitor shall be entitled to make the same charges as if the business had been transacted in the High Court of Chancery.

(Signed) HARROWBY,
J. L. KNIGHT BRUCE, L. J.
19th May, 1855. G. J. TURNER, L. J.

GENERAL RULES AND ORDERS.

GENERAL ORDERS OF SEPTEMBER, 1791.

[Such of the Orders of 1791 as have been discharged or superseded are omitted.]

IV. That in case the defendant cannot be personally served, then a copy of the process left at his last place of abode (the process itself under seal being at the same time shown to some of the family, and they made acquainted with the meaning thereof), shall be taken as good service.

VI. That in case the plaintiff, upon sight of the subpœna for payment of costs and demand made by the defendant, or some other authorised, shall deny to pay the same, then upon affidavit thereof made, an attachment to be issued against the plaintiff, and he not to be discharged thereof until he hath paid the first costs and all such further costs as shall be ordered by the Court or taxed by the Registrar.

XVIII. That upon every attachment for want of appearance shall be allowed and paid thirty shillings, and if returned, for each name fourpence; upon every attachment with proclamations fifteen shillings, and if returned, each name five shillings and eight pence; for every commission of rebellion twenty shillings,

and for the return, if the return be elapsed, eight shillings; for every attachment for want of answer twenty-five shillings; and the like costs for all subsequent process of contempt for want of answer, as before directed and allowed for want of appearance; and on tender of the said costs of contempt to the plaintiff's clerk in Court, the answer to stand regularly filed, and no allowance to be made in costs of such contempts for warrants or bailiff's fees; but such charges to attend the issue and merits of the cause. And upon taxing costs, the Registrar or his deputy who shall tax the same to have respect to the necessity of such extraordinary charge.

ORDER OF COURT, 14TH MAY, 1821.

In case a party neglect to pay money or transfer stock pursuant to an order, the opposite party may, on motion by his clerk in Court, and on producing an affidavit of the due service of the order, and the Registrar's certificate, or an affidavit of the non-payment or non-transfer, obtain a second order for the party to make the payment or transfer within fourteen days after service of such second order; and if the party shall afterwards neglect to make the payment or transfer, the Registrar may, at the expiration of the fourteen days, issue an order for an attachment, upon an affidavit being filed with him of such default, and of the service of such second order.

This order is in effect superseded by the more speedy remedy given by orders 118 and 119 of 1851.

ORDER ABOLISHING OFFICE OF CLERK IN COURT.

18TH JUNE, 1851.

In pursuance of the power and authority vested in me in that behalf by an Act of Parliament passed in the Session of Parliament held in the thirteenth and fourteenth years of the reign of her present Majesty, intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," I, George William Frederick, Earl of Carlisle, Chancellor of the Duchy and County Palatine of Lancaster, do by this order under my hand direct that from and after the 20th day of July next, all attorneys and solicitors of any of the Superior Courts of Law or Equity at Westminster, and all attorneys of the Court of Common Pleas at Lancaster, on being registered as by the said recited Act provided, may appear and prosecute or defend any suit or proceedings in the Court of Chancery of the said County Palatine, and that the office and privileges of the clerks in Court of the said Court shall cease and determine.

Dated this 18th day of June, 1851.

(Signed) CARLISLE.

GENERAL RULES AND ORDERS.

GENERAL ORDERS OF 20TH JUNE, 1851.

THE Right Hon. George William Frederick Earl of Carlisle, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful Sir William Page Wood, Knight, Vice-Chancellor of the said County Palatine, and of the Right Hon. Sir James Lewis Knight Bruce, one of the Vice-Chancellors of the High Court of Chancery, named for this purpose, by writing under the hand of the Right Hon. Thomas Lord Truro, Lord High Chancellor of Great Britain, doth hereby, in pursuance of an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," and in pursuance and execution of all the powers enabling him in this behalf, order and direct that all and every the Rules, Orders and Regulations hereinafter set forth, shall henceforth be and become Rules, Orders and Regulations of the Court of Chancery of the County Palatine of Lancaster; (that is to say),

INTRODUCTORY.

Former Orders to remain in Force.

I. All former orders and parts of orders, so far as the same are now in force, and consistent with these orders, are to remain in full force and effect.

When the Orders are to come into operation.

II. These orders are, as to all suits and matters now depending or hereafter to be commenced, to take effect on the 21st day of July, 1851, except as to any decree already pronounced, which is to be drawn up as heretofore.

Interpretation.

III. In these orders the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz. :—

1. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
2. Words importing the masculine gender include females.
3. The word "affidavit" includes "affirmation" and "declaration on honour."
4. The word "person" or "party" includes a body politic or corporate; and the word "party" also includes a guardian *ad litem,* and next friend respectively.
5. The word "bill" includes "information."
6. The word "Registrar" includes "District Registrar" or "Deputy Registrar."

Registrar's Office.

IV. The Registrar's principal office shall continue to be at Preston till further order, but the Court may also cause offices to be opened at Liverpool and Manchester, or such other towns within the County Palatine as it may deem expedient.

V. The office hours at each office shall be daily from ten in the forenoon till four in the afternoon, except on Sundays, Christmas-days, and Good Fridays, and except on such other days as the Chancellor of the Duchy and County Palatine may appoint.

VI. A seal of office shall be made, to be approved of by the Chancellor of the Duchy and County Palatine, and to be called "The Seal of the Registrar of the Court of Chancery of the County Palatine of Lancaster." Such seal shall always remain in the custody of the Registrar or his deputy.

VII. All writs of subpœna, writs of summons, and all other writs issued in the course of any matter or suit, or consequent upon any decree or decretal order of the Court, shall be issued by the Registrar or his deputy, and tested on the day of issuing, and be authenticated by the seal of the office.

Computation of Time.

VIII. When any limited time from or after any date or event is appointed or allowed for doing any act, the computation of such limited time is to be made exclusive of the day of such date or of the happening of such event, but inclusive of the last day of such limited time.

IX. When the time for doing any act is limited by months, such time is to be computed by calendar months, unless otherwise expressed.

X. When the time for doing any act expires on a Sunday or other day on which the offices are closed, such act may be done on the day on which the offices shall next be open.

Solicitors. Parties acting in Person.

XI. The solicitors of this Court, in all cases where the parties sue or defend by solicitors, and the parties themselves, in all cases where they sue or defend in person, shall perform all such duties as have heretofore been performed by the Clerks in Court, as attorneys, solicitors or agents of the parties in relation to the several matters hereinafter mentioned, viz. :—

The making out of writs in the suits instituted in the Court.

The serving and being served with writs, notices, orders, warrants, rules, and other documents, proceedings and written communications, in causes and matters depending in Court.

The signing of elections and agreements to proceed at law or in equity.

The signing of petitions of re-hearing and appeal.

The entering of appearances and consents with the Registrar.

The signing of consents to petitions.

The tender and acceptance of costs.

The joining in commission, and striking of commissioners' names.

The signing of notices by paupers.

And all other duties heretofore performed by the Clerks in Court, as attorneys, solicitors or agents of the parties in suits or matters in equity.

XII. Every solicitor of a party suing or defending by a solicitor, and also every party suing or defending in person, shall cause to be indorsed upon every writ which he shall sue out, and upon every information, bill, demurrer, plea, answer, or other

pleading or proceeding, and all exceptions which he may leave with the Registrar to be filed, and upon all instructions which he may give to the Registrar for any appearance or other purpose, his name and place of business or residence (being one at which letters are delivered by the general post), to be called his "Address for Service," where writs, notices, orders, warrants, rules, and other documents, proceedings and written communications, may be left for him; and where any such solicitor shall only be the agent of any other solicitor, he shall add to his own name or firm and place of business the name or firm and place of business of the principal solicitor.

XIII. A party suing or defending by a solicitor shall not be at liberty to change his solicitor in any cause or matter without an order of the Court for that purpose, which may be obtained by motion or petition, as of course; and until such order is obtained and served, and notice thereof given to the Registrar, the former solicitor shall be considered the solicitor of the party.

XIV. Where the party sues or defends by a solicitor, and no address for service of such solicitor shall have been indorsed or added pursuant to the above directions, all writs, notices, orders, warrants, rules and other written communications, not requiring personal service upon the party to be affected thereby, and which have heretofore been served upon the Clerks in Court, shall, unless the Court shall otherwise direct, be deemed sufficiently served upon the party if served upon his solicitor at his place of business; or if proved to have been posted at any place authorised to receive letters for the general post, and to have been addressed to such solicitor at his place of business, shall, unless the Court shall otherwise direct, be *primâ facie* deemed sufficiently served upon the party; but if an address for service of such solicitor shall have been indorsed or added as aforesaid, then all such writs, notices, orders, warrants, rules and other written communications, shall only be deemed sufficiently served upon

the party, if left or posted for such solicitor at the address for service.

XV. Where any party has ceased to have a solicitor, all writs, notices, orders, warrants, rules and other written communications, not requiring personal service upon the party to be affected thereby, and which have heretofore been served upon the Clerks in Court, shall, unless the Court shall otherwise direct, be deemed to be sufficiently served upon the party, if served upon him personally, or left at or posted for him addressed to his place of residence.

XVI. All writs, notices, orders, warrants, rules and other written communications, not requiring personal service upon the party to be affected thereby, and which have heretofore been served on the Clerks in Court, shall be served before eight o'clock in the evening of the day on which the same shall be served, or otherwise the same shall be deemed to have been served on the next following day, excluding Sundays; and in case of service by post, they shall be deemed to have been served at the time when they would be delivered by the usual course of post, unless the contrary be shown.

XVII. When any solicitor or party shall cause an appearance to be entered, or an answer, demurrer, plea or replication to be filed, he shall, on the same day, serve notice thereof on the solicitor of the adverse party, or the adverse party himself if he act in person.

XVIII. When any exceptions for scandal, impertinence or insufficiency shall be taken, the solicitor of the party taking the same, or the party himself, if he act in person, shall leave such exceptions at the Registrar's office to be filed, and shall, on the same day, serve notice of the filing thereof on the solicitor for the adverse party, or the adverse party himself if he act in person.

XIX. The solicitor for the party, or the party himself, examining any witness before the Registrar, is to serve a notice in writing, containing the name and description of such witness, upon the solicitor or solicitors of the adverse party or parties in the cause, or upon such party or parties, if there be no solicitor, and the Registrar shall be satisfied that such notice has been given before examining the witness.

XX. For the purpose of procuring a guardian *ad litem* to be assigned in Court for an infant defandant, the solicitor, unless the Court shall otherwise direct, is to attend the Registrar with the infant and proposed guardian, and to request such assignment to be made; and he is to certify to the Registrar that the proposed guardian has no interest adverse to the interest of the infant, and is a proper person to be assigned guardian.

XXI. Where no other person is willing to act as guardian *ad litem* of an infant or person of unsound mind, the Registrar may appoint one of the solicitors of the Court to be such guardian, and the Court may direct that the costs to be incurred in the performance of the duties of such office shall be borne and paid either by the parties or some one or more of the parties to the suit in which such appointment shall be made, or out of any fund in Court in which such infant or person of unsound mind may be interested. and may give directions for the repayment or allowance of such costs as the justice and circumstances of the case may require.

PROCEEDINGS IN SUITS.

Subpœnas.

XXII. Every writ of subpœna to appear, or appear and answer, shall contain three names, if necessary or required.

XXIII. Subpœnas to appear, or to appear and answer, which are served within the jurisdiction of the Court, are to be made returnable within four days after the service thereof.

XXIV. Subpœnas to appear, or to appear and answer, which the Court may have authority to cause to be served out of its jurisdiction, are to be made returnable at such time after the service thereof as the Court, by special order, may direct; and if an answer be required, each such subpœna is to specify the time after service within which the defendant is required to answer.

XXV. All writs of subpœna in this Court are to be prepared by the solicitor of the party requiring the same, or if the party employ no solicitor, then by the Registrar, and they shall be sealed by the Registrar; such writs are to be in the terms mentioned in schedule (D.) at the foot of these orders, or as near as may be, with such alterations and variations as circumstances may require.

XXVI. In the interval between the suing out and service of any subpœna, the party suing out the same may correct any error in the names of parties or witnesses, and may have the writ resealed upon payment to the Registrar a fee of one shilling.

XXVII. Service upon a defendant's solicitor of a subpœna to answer an amended bill, or to hear judgment, is to be deemed good service upon the party.

XXVIII. After the allowance of or submission to exceptions to an answer for insufficiency, a defendant is to answer within the time appointed, without being served with any subpœna to make a better answer.

Appearance.

XXIX. If any defendant, not appearing to be an infant, or a person of unsound mind unable of himself to defend the suit, is, when within the jurisdiction of the Court, duly served with a subpœna to appear to, or to appear to and answer a bill, and refuses or neglects to appear thereto within four days after such service, the plaintiff may, after the expiration of such four days, apply to the Court for leave to enter an appearance for such defendant; and the Court being satisfied by affidavit that the subpœna was duly served upon such defendant personally, or at his dwelling-house or usual place of abode, and that no appearance has been entered for such defendant, may, if it so think fit, order the same accordingly.

XXX. Any appearance entered at the instance of the plaintiff for a defendant who, at the time of the entry thereof, is an infant, or a person of unsound mind unable of himself to defend the suit, shall be of no validity.

XXXI. If, upon default made by a defendant in not appearing to or not answering a bill, it appears to the Court that such defendant is an infant, or a person of unsound mind not so found by inquisition, so that he is unable of himself to defend the suit, the Court may, upon the application of the plaintiff, direct the Registrar to assign one of the solicitors of the Court, or some other fit person, to be guardian of such defendant, by whom he may appear to and answer, or may answer the bill and defend the suit.

XXXII. But no such order is to be made unless it appears to the Court on the hearing of such application that the subpœna to appear to and answer the bill was duly served, and that notice of such application was, after the expiration of the time allowed for appearing to or for answering the bill, and at least six days

before the hearing of the application, served upon or left at the dwelling-house of the person with whom or under whose care such defendant was at the time of serving such subpœna, and (in the case of such defendant being an infant not residing with or under the care of his father or guardian) that notice of such application was also served upon or left at the dwelling-house of the father or guardian of such infant, unless the Court at the time of hearing such application thinks fit to dispense with such last-mentioned service.

XXXIII. In all cases where the Vice-Chancellor of the County Palatine is empowered to direct process to be served out of the jurisdiction of the Court upon a defendant in any suit or proceeding in the said Court, and such defendant is out of the jurisdiction,—

1. The Court, upon application, supported by such evidence as shall satisfy the Court in what place such defendant is or may probably be found, may order that the subpœna to appear to, or to appear to and answer the bill, may be served on such defendant in such place or within such limits as the Court thinks fit to direct.
2. Such order is to limit a time (depending on the place within which the subpœna is to be served) after service of the subpœna within which such defendant is to appear to the bill, and also (if an answer be required) a time within which such defendant is to plead, answer or demur.
3. At the time when such subpœna shall be served, the plaintiff is also to cause such defendant to be served with a copy of the bill and a copy of the order giving the plaintiff leave to serve the subpœna.
4. And if upon, or at any time within fourteen days after, the expiration of the time for appearing it appears to the satisfaction of the Court that such defendant was duly served with the subpœna and with a copy of the

bill and a copy of the order, the Court may, upon the application of the plaintiff, order an appearance to be entered for such defendant.

XXXIV. Affidavits filed for the purpose of proving the service of a subpœna upon any defendant, are to state *when*, *where*, and *how* such subpœna was served, and by *whom* such service was effected.

XXXV. The plaintiff, having duly caused an appearance to be entered for any defendant, is entitled, unless the Court shall otherwise order, as against the same defendant, to the costs of and incident to entering such appearance, whatever may be the event of the suit; and such costs are to be added to any costs which the plaintiff may be entitled to receive from such defendant, or set off against any costs which he may be ordered to pay to such defendant; but payment thereof is not to be otherwise enforced without the leave of the Court.

XXXVI. A defendant, notwithstanding that an appearance may have been entered for him by the plaintiff, may afterwards enter an appearance for himself in the ordinary way; but such appearance by such defendant is not to affect any proceeding duly taken, or any right acquired by the plaintiff under or after the appearance entered by him, or prejudice the plaintiff's right to be allowed the costs of the first appearance.

Serving Copy of Bill.

XXXVII. Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, it shall not be necessary for the plaintiff to require such party, not beingan infant, to appear to and answer the bill. But the plaintiff shall be at liberty, if he think fit, at any time within six weeks after the filing of the bill, to serve such party, not being an infant, with a copy

of the bill, whether the same be an original, or amended, or supplemental bill, omitting the interrogating part thereof; and such bill, as against such party, shall not pray a subpœna to appear and answer, but shall pray that such party, upon being served with a copy of the bill, may be bound by all the proceedings in the cause.

XXXVIII. Where a plaintiff shall so serve a defendant with a copy of the bill, he shall cause a memorandum of such service, and of the time when such service was made, to be entered in the Registrar's office, upon the Registrar being satisfied of a copy of the bill having been so served, and of the time when the service was made.

XXXIX. Where a defendant shall have been so served with a copy of the bill, and a memorandum of such service shall have been duly entered, and such defendant shall not within the time limited by the practice of the Court for that purpose enter an appearance in common form, or a special appearance as aftermentioned, the plaintiff shall be at liberty to proceed in the cause, as if the party served with a copy of the bill were not a party thereto, and the party so served shall be bound by all the proceedings in the cause, in the same manner as if he had appeared to and answered the bill.

XL. Where a party shall be so served with a copy of the bill, such party, if he desire the suit to be prosecuted against himself in the ordinary way, shall be entitled to have it so prosecuted; and in that case he shall enter an appearance in the common form, and the suit shall then be prosecuted against him in the ordinary way; but the Court may, if it shall think fit, direct the costs occasioned thereby to be paid by the party so appearing.

XLI. Where a party shall be so served with a copy of the bill, and shall desire to be served with a notice of the proceedings in

the cause, but not otherwise to have the same prosecuted against himself, he shall be at liberty to enter a special appearance under the following form; that is to say, "A. B. appears to the bill for the purpose of being served with notice of all proceedings therein." And thereupon the party entering such appearance shall be entitled to be served with notice of all proceedings in the cause, and to appear thereon; but the Court may, if it shall think fit, direct the costs occasioned thereby to be paid by the party entering such appearance.

XLII. A party shall not be at liberty to enter either a common or special appearance after the expiration of twenty-one days from the service of the copy of the bill, without first obtaining an order of the Court for that purpose, such order to be obtained on notice to the plaintiff; and the party entering such appearance shall be bound by all the proceedings in the cause, prior to such appearance being so entered, unless the Court shall otherwise direct, and shall submit to such other terms as the Court may impose.

XLIII. Where no account, payment, conveyance, or other direct relief is sought against a party, but the plaintiff shall require such party to appear to and answer the bill, the costs occasioned by the plaintiff having required such party so to appear and answer the bill, and the costs of all proceedings consequential thereon, shall be paid by the plaintiff, unless the Court shall otherwise direct.

Times allowed in Procedure.

XLIV. The times of procedure in the cases hereinafter mentioned are to be the following:—

1. The service of any subpœna, except a subpœna for costs, is to be of no validity if not made within one calendar month after the teste of the writ.

2. The service of a copy of a bill upon a defendant is to be of no validity if not made within six weeks from the filing of such bill, unless the Court shall give leave for such service to be made after the expiration of such six weeks.

3. If a defendant be served within the jurisdiction with a subpœna to appear to or answer a bill, he is to appear thereto within four days after the service of such subpœna.

If he do not, he becomes subject to the following liabilities :—

1. An attachment may be issued against him.
2. An appearance may be entered for him on the application of the plaintiff.
3. If the bill pray for an injunction to stay proceedings at law, the plaintiff may obtain an order for the common injunction.

4. Any party having filed exceptions to any pleading or other matter depending before the Court for scandal, and any party having filed exceptions for impertinence, is to set the same down for hearing within six days after the filing thereof.

If he do not, the exceptions are to be considered as abandoned, and the costs occasioned thereby are to be paid by the exceptant.

5. A defendant may demur alone to any bill within twelve days after his appearance thereto, but not afterwards.

6. A defendant desiring to avoid the common injunction for default of answer, has for that purpose only eight days after appearance within which he is to plead, answer, or demur to a bill praying an injunction to stay proceedings at law.

If he do not plead, answer, or demur within such eight days, the plaintiff is entitled as of course,

and without an attachment, to the common injunction.

7. A defendant who has entered an appearance in person or by his solicitor, and desires to show cause against an order to revive being made, has for that purpose only eight days after such appearance within which he is to plead or demur to a bill of revivor, or any note of revivor.

If he do not plead or demur within such eight days, the plaintiff is entitled as of course to the common order to revive.

8. The defendant may either put in his answer before the Registrar, or may sue out a commission to take his answer, wherein the plaintiff may name two commissioners, and any such commission shall be made returnable without delay; and any answer, when taken by commissioners, may be transmitted to the Registrar, tied up and sealed with the seals of the commissioners, through the post-office, unless any plaintiff shall give notice to the commissioners that he requires the same answer to be personally delivered to the Registrar, in which case it shall either be personally delivered to the Registrar or transmitted to him by a messenger.

9. A defendant is to plead, answer or demur, not demurring alone, to any original or supplemental bill, within six weeks after appearance thereto has been entered by or for him.

10. If the plaintiff amend his bill under an order for leave to amend, obtained and served before answer, a defendant is to plead, answer or demur, not demurring alone, to such amended bill, within six weeks after he is served with notice of the amendment of such bill.

11. If a defendant be ordered to answer amendments and exceptions together, he is to put in his further answer, and his answer to the amendments of the bill, within

four weeks after he is served with notice of the amendment of such bill.

12. If a defendant, having already answered, be served with a subpœna to appear to and answer an amended bill, he is to plead, answer or demur, not demurring alone, to such amended bill, within four weeks after an appearance thereto has been entered by or for him.

13. If a defendant make default in respect of any of the four last-mentioned orders, and if he procure no enlargement of the time thereby respectively allowed, he is subject to the following liabilities :—

    1. An attachment may be issued against him.
    2. He may be committed to prison, and brought to the bar of the Court; and,
    3. The plaintiff may file a traversing note, or proceed to have the bill taken *pro confesso* against him.

14. Either party is at liberty to set down a demurrer or plea for argument forthwith.

15. Within six days after the filing of a demurrer to the whole bill, and within three weeks after the filing of a demurrer to a part of a bill, the plaintiff desiring to submit such demurrer to the judgment of the Court is to cause the same to be set down for argument.

    If he do not, such demurrer is to be held sufficient, and the plaintiff is to be held to have submitted thereto.

16. Within three weeks after the filing of a plea to the whole or part of a bill, the plaintiff is either to reply thereto, or if he wish to submit such plea to the judgment of the Court, is to cause the same to be set down for argument.

    If he do not, such plea is to be held good to the same extent and for the same purposes as a plea allowed upon argument.

17. A defendant whose answer is not excepted to, or set down on former exceptions, alleging that the plaintiff is prosecuting him in this Court and also at law for the matter, may, upon the expiration of eight days after his answer or further answer is filed, obtain as of course an order for the plaintiff to make his election in which Court he will proceed.

18. After the filing of a defendant's answer, the plaintiff has four weeks within which he may file exceptions thereto for insufficiency.

If he do not file exceptions within four weeks, such answer on the expiration of the four weeks is to be deemed sufficient.

19. A defendant, desiring to avoid the setting down of exceptions to his answer for insufficiency, has for that purpose only eight days after the filing of such exceptions within which he may submit to the same.

20. If a defendant, not being in contempt, submit to exceptions to his answer for insufficiency before the plaintiff has set the same down for argument, he is allowed three weeks from the date of the submission within which he is to put in his further answer to the bill.

21. The plaintiff, having filed exceptions for insufficiency to a defendant's answer, is not to set them down for argument before the expiration of eight days from the filing of such exceptions, unless in the cases after mentioned he is required so to do by notice in writing from such defendant.

22. The plaintiff, having filed exceptions for insufficiency to a defendant's answer, is not to set them down for argument after the expiration of eight days and within fourteen days from the filing of such exceptions, or if he be served with notice from the defendant so to do, then within four days from such notice; but the defendant is only entitled to serve such notice in cases

where the plaintiff has to elect whether he will sue at law or in equity, or in cases where the defendant is desirous of dissolving an injunction.

If he do not, the answer, on the expiration of such fourteen days, or of such four days after notice, is to be deemed sufficient.

23. The plaintiff is not allowed to show exceptions to a defendant's answer for insufficiency as cause against dissolving an injunction unless they be submitted to or set down for argument.

24. After the filing of exceptions to a defendant's answer for insufficiency, and any further answer put in, the plaintiff has fourteen days from the filing of such further answer within which he may set down the old exceptions for argument with reference to such further answer, except in cases where the common injunction has been obtained and is in force, in which case he must set down the old exceptions within six days.

The answer or further answer, where the old exceptions are not so set down, is, on the expiration of such fourteen days or six days, to be deemed sufficient.

25. If on argument the Court hold any answer to be insufficient, the defendant must obtain time within which he is to put in his further answer.

If such defendant do not obtain time from the Court, or do not answer within the time which the Court allows, the plaintiff may sue out process of contempt against such defendant.

26. In cases where there is a sole defendant, or where, there being several defendants, all who are compellable to answer, join in the same answer, the plaintiff may, after answer and before replication or undertaking to reply, obtain one order of course, for leave to amend

the bill, at any time within fourteen days after the answer is deemed or found to be sufficient.

27. In cases where there are several defendants compellable to answer, who do not join in the same answer, the plaintiff (if not precluded from amending, or limited as to the time of amending by some former order) may, after answer and before replication or undertaking to reply, at any time within fourteen days after the last answer is deemed or found to be sufficient, obtain one order of course, for leave to amend his bill.

28. The plaintiff, having obtained an order for leave to amend his bill, has, in all cases in which an injunction is not in force, fourteen days after the date of the order within which he may amend such bill.

    If such bill be not amended within such fourteen days, the order for leave to amend becomes void, and the cause as to dismissal stands in the same situation as if such order had not been made.

29. The plaintiff, having obtained an order for leave to amend his bill where an injunction is not in force, must amend such bill within seven days from the date of the order.

    If such bill be not amended within such seven days, the order for leave to amend becomes void, and the cause as to dismissal stands in the same situation as if such order had not been made.

    An injunction to restrain proceedings at law where not prayed by the original bill, or not obtained under it, or if obtained, dissolved, cannot be obtained on an amended bill, without an affidavit of the truth of the facts alleged by the amendment.

30. A defendant, being served with subpœna to answer an amended bill praying an injunction to stay proceedings

at law, and desiring to avoid a motion for an injunction on affidavit of the truth of the amendments, has for that purpose only eight days after appearance within which he is to plead, answer or demur to such amended bill.

31. The plaintiff (not obtaining an order for leave to amend his bill) must either file his replication or set down the cause to be heard on bill and answer at the expiration of fourteen days after the answer or last answer, if there be more than one defendant compellable to answer, is deemed or found to be sufficient.

32. If the plaintiff amend his bill without requiring an answer to the amendments, any defendant desiring to answer the same must put in his answer thereto within eight days after being served with notice of the amendment of the bill, or within such further time as the Registrar may allow.

33. Where the plaintiff amends his bill without requiring an answer to the amendments, and no answer is put in thereto, and no notice of an application for further time to answer the same is served within eight days after service of the notice of the amendment of such bill, the plaintiff is, after the expiration of such eight days, but within fourteen days from the time of such service, either to file his replication or to set down the cause to be heard upon bill and answer.

34. Where the plaintiff amends his bill without requiring an answer to the amendments, and a defendant within eight days after the service of the notice of the filing of the amended bill gives notice of an application for further time to answer the amendments, but the Registrar refuses to grant such further time, the plaintiff is, within fourteen days after such refusal, either to file his replication or to set down the cause to be heard on bill and answer.

35. If a defendant puts in an answer to amendments to which the plaintiff has not required an answer, the plaintiff must, within fourteen days after the filing of such answer, either file his replication or set down the cause to be heard on bill and answer, unless in the meantime he obtains from the Court a special order for leave to accept to such answer or to amend the bill.

36. Parties desiring to examine witnesses by commission are not to apply for a warrant to name commissioners to examine witnesses until after the expiration of four days from the filing of the replication.

37. After a replication is filed, parties have two months to examine their witnesses.

38. After the expiration of two months from the filing of the replication, publication is to pass, unless the time for publication has been enlarged, in which case it is to pass on the expiration of the enlarged time.

39. Within fourteen days after publication has passed, the plaintiff is to set down his cause, and obtain and serve a subpœna to hear judgment.

40. A subpœna to hear judgment is to be served at least seven days before the return thereof.

41. There must, unless the Court gives special leave to the contrary, be at least two clear days between the seivice of a notice of motion and the day named in the notice for hearing the motion, and at least two clear days between the service of a petition and the day appointed for hearing the petition; but in the computation of such two clear days, Sundays and other days on which the offices are closed are not to be reckoned.

42. At any time within three weeks after the execution of an attachment for want of answer, the plaintiff may serve a defendant so attached with a notice of motion that the bill may be taken *pro confesso* against him, and may move the Court accordingly.

XLV. No order is to be made for leave to file exceptions *nunc pro tunc.*

XLVI. If a defendant, using due diligence, is unable to put in his answer to a bill within the times allowed by these orders, the Registrar (on sufficient cause being shown) may allow to such defendant such further time, and on such, if any, terms as to the Registrar may seem just.

XLVII. In all cases where the Registrar is authorised to appoint the time for any proceeding, or to enlarge the time allowed for any proceeding by general order, he may further enlarge any time so appointed or enlarged by himself, and on such, if any, terms as to him seem just, provided the application for such enlargement is made before the expiration of the time previously allowed, and he is satisfied that such enlargement is required for the purposes of justice, and not with a view to create unnecessary delay.

XLVIII. The power of the Court to enlarge or abridge the time for doing any act or taking any proceeding in a cause upon such, if any, terms as the justice of the case requires, is unaffected by these orders.

Traversing Note.

XLIX. If after the expiration of the time allowed to the defendant to plead, answer, or demur, not demurring alone, to any original bill, or bill amended before answer, or supplemental bill, the defendant has filed no plea, answer or demurrer, the plaintiff may file a note at the Registrar's office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer traversing the case made by the bill."

L. If after the expiration of the time allowed to a defendant to plead, answer or demur, not demurring alone, to a bill amended after answer, the defendant has not filed any plea, answer or demurrer, the plaintiff may file a note at the Registrar's office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer traversing the allegations introduced into the bill by amendment."

LI. If after the expiration of the time allowed to a defendant to put in his further answer to any bill, the defendant has not put in any further answer, the plaintiff may file a note at the Registrar's office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed a further answer traversing the allegations in the bill whereon the exceptions are founded."

LII. Where a demurrer or plea to the whole bill is overruled, the plaintiff, if he does not require an answer, may immediately file such note, unless the Court, upon overruling such demurrer or plea, gives time to the defendant to plead, answer or demur; and in such case, if the defendant files no plea, answer or demurrer within the time so allowed by the Court, the plaintiff, if he does not then require an answer, may on the expiration of such time file such note.

LIII. A traversing note having been filed, a copy thereof is to be served on the defendant against whom the same is filed, in manner herein directed, for the service of documents not requiring personal service.

LIV. A traversing note being filed, and a copy thereof duly served, is to have the same effect as if a defendant had filed a full answer, or further answer, traversing the whole bill, or such parts of the bill as the note relates to, on the day on which the note was filed.

LV. After the service of the copy of a traversing note filed as aforesaid, a defendant is not at liberty to plead, answer or demur to a bill, or to put in any further answer thereto, without the special leave of the Court, and the cause is to stand in the same situation as if such defendant had filed a full answer or further answer to the bill on the day on which the note was filed.

Injunction to stay Proceedings at Law.

LVI. The plaintiff in a bill praying an injunction to stay proceedings at law, is entitled, as of course, on motion or petition, and without an attachment, to the common injunction for want of appearance, if a defendant has not appeared in person or by his own solicitor on or after the expiration of four days from the service of the subpœna; and for want of answer, if a defendant is in default for want of answer on or after the expiration of eight days from the day on which an appearance was entered by or for him.

LVII. The plaintiff, in an injunction cause, having obtained the common injunction to stay proceedings at law, may (either before or after the answer of a defendant is put in, and whether such injunction be or be not continued to the hearing of the cause) obtain one order as of course to amend his bill without prejudice to the injunction; and if such bill be amended pursuant to such order, such defendant may thereupon, and although he may not have put in his answer to such bill or the amendments thereof, move, on notice, to dissolve the injunction, on the ground that such bill as amended does not, even assuming it to be true, justify such injunction.

Amendments of Bill.

LVIII. An order for leave to amend a bill may be obtained at any time before answer, upon motion or petition, without notice.

LIX. An order for leave to amend a bill only for the purpose of rectifying some clerical error in names, dates or sums, may be obtained at any time upon motion or petition, without notice.

LX. One order of course for leave to amend a bill as the plaintiff may be advised, may be obtained by the plaintiff at any time before filing (or undertaking to file) a replication, and within fourteen days after the answer or the last of several answers is to be deemed sufficient; but no further order of course for leave to amend a bill is to be granted after an answer has been filed, unless in the case of clerical error as aforesaid.

LXI. A special order for leave to amend a bill is not to be granted without affidavit to the effect,—1. That the draft of the proposed amendments has been settled, approved, and signed by counsel; and 2. That such amendment is not intended for the purpose of delay or vexation, but because the same is considered to be material for the case of the plaintiff.

LXII. After the plaintiff has filed or undertaken to file a replication, or after the expiration of fourteen days from the time when the answer or last answer is deemed sufficient, a special order for leave to amend a bill is not to be granted without further affidavit, showing that the matter of the proposed amendment is material and could not with reasonable diligence have been sooner introduced into such bill.

LXIII. Such affidavits as are mentioned in the last two orders are to be made by the plaintiff and his solicitor, or by the solicitor alone, in case the plaintiff, from being abroad or other cause, to be shown to the satisfaction of the Court, is unable to join therein.

LXIV. Where the plaintiff obtains an order for leave to amend his bill and does not amend the same within the time limited

for that purpose, the order to amend becomes void, and the cause as to dismissal stands in the same situation as if such order had not been made.

Defendant likely to abscond without answering.

LXV. If there is just reason to believe that any defendant means to abscond before answering the bill, the Court may, on the *ex parte* application of the plaintiff, at any time after appearance has been entered for such defendant by the plaintiff, order an attachment for want of answer to issue against him; and such attachment is to be made returnable at such time as the Court directs.

Defendant attached for want of Answer.

LXVI. If any defendant be attached, or, being in prison, be detained under an attachment for want of an answer, he shall be discharged from custody and from all process under the attachment, unless the plaintiff shall, within three days after notice in writing to his solicitor that the defendant is so attached or detained, obtain an order of course to bring such defendant before the Registrar of the Court within two office days from the date of such order; but if he do not put in his answer within eight days after such discharge, he may be again attached under a fresh attachment.

LXVII. The Registrar, upon any defendant being brought before him in pursuance of such last-mentioned order, shall inquire for what reason the defendant has not answered, and shall certify the same to the Court; and if the defendant shall, on oath, allege poverty as such reason, the Registrar shall inquire into the truth of such allegation, and if he shall certify to the Court that such allegation is true, the Court may appoint solicitors and counsel to enable such defendant to put in his answer: after such attend-

ance before the Registrar, the defendant shall remain in custody, unless and until the Court shall make order to the contrary.

Dismissal of Bills.

LXVIII. Any defendant may, upon notice, move the Court that the bill may be dismissed, with costs, for want of prosecution, and the Court may order accordingly,—

1. If the plaintiff, having obtained no order to enlarge the time, does not obtain and serve an order for leave to amend the bill, or does not file the replication, or set down the cause to be heard on bill and answer, within fourteen days after the answer, or the last of the answers, is found or deemed to be sufficient, or after the filing of a traversing note; or,
2. If the plaintiff, having undertaken to reply to a plea to the whole bill, does not file a replication within three weeks after the date of his undertaking; or,
3. If the plaintiff, having obtained no order to enlarge the time, does not amend the bill within fourteen days after the date of the order for leave to amend; or,
4. If the plaintiff, having obtained no order to enlarge the time, does not set down the cause to be heard, and obtain and serve a subpœna to hear judgment within fourteen days after publication has passed.

LXIX. Where the plaintiff has, after answer, amended his bill without requiring an answer to the amendments, any defendant may upon notice move to dismiss the bill, with costs, for want of prosecution, if the plaintiff, having obtained no order to enlarge the time, does not file the replication, or set down the cause to be heard on bill and answer, within the times following, viz.:—

1. Within fourteen days after service of notice of the amendment of the bill, in cases where no defendant desires to answer the amendments.

2. Within fourteen days after the Registrar's refusal to allow further time, in cases where the defendant, desiring to answer, has not put in his answer within eight days after the service of notice of the amendment of the bill, and the Registrar has refused to allow further time.
3. Within fourteen days after the filing of the answer in in cases where the defendant has put in an answer to the amendment, unless the plaintiff has, within such fourteen days, obtained from the Court a special order for leave to re-amend the bill.

LXX. If, after publication passed, the plaintiff neglects to set down the cause to be heard, any defendant, after the expiration of fourteen days, may set the same down at his own request, instead of proceeding to dismiss the bill for want of prosecution, and may obtain a subpœna to hear judgment, and serve the same on the plaintiff.

LXXI. If the plaintiff, after the cause is set down to be heard, cause the bill to be dismissed on his own application, or if the cause is called on to be heard in Court, and the plaintiff make default, and by reason thereof the bill is dismissed, then and in such case such dismissal is, unless the Court otherwise order, to be equivalent to a dismissal on the merits, and may be pleaded in bar to another suit for the same matter.

Preliminary Proceedings.

LXXII. In all cases in which it shall appear that certain preliminary accounts and inquiries must be taken and made, before the rights and interests of the parties to the cause can be ascertained, or the questions therein arising can be determined, the plaintiff shall be at liberty, at any time after the defendants shall have appeared to the bill, to move the Court on notice, that such

inquiries and accounts shall be made and taken; and an order, referring it to the Registrar to make such inquiries, and take such accounts, shall thereupon be made, without prejudice to any question of construction, or of law or equity in the cause, if it shall appear to the Court that the same will be beneficial to such (if any) parties to the cause as may not be competent to consent thereto, whether they have answered the bill or not, and that the same is consented to by such (if any) of the defendants as, being competent to consent, have not put in their answer to the bill, and is consented to by, or is proper to be made upon the statements contained in the answers of such (if any) of the defendants as have answered the bill.

Pro Confesso.

LXXIII. Upon the execution of an attachment for want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may cause such defendant to be served with a notice of motion, to be made on some day not less than three weeks after the day of such service, that the bill may be taken *pro confesso* against such defendant; and thereupon, unless such defendant has in the meantime put in his answer to the bill, or obtained further time to answer the same, the Court, if it so thinks fit, may order the bill to be taken *pro confesso* against such defendant, either immediately or at such time, and upon such terms, and subject to such conditions, as under the circumstances of the case the Court thinks proper.

LXXIV. In cases where any defendant, either being or not being within the jurisdiction of the Court, does not put in his answer in due time after appearance entered by or for him, and the plaintiff is unable, with due diligence, to procure a writ of attachment, or any subsequent process for want of answer to be executed against such defendant by reason of his being out of the jurisdiction of the Court, or being concealed or for any other

cause, then such defendant is, for the purpose of enabling the plaintiff to obtain an order to take the bill *pro confesso*, to be deemed to have absconded to avoid or to have refused to obey the process of the Court.

LXXV. In cases where any defendant who, under the last order, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, has appeared in person or by his own solicitor, the plaintiff may serve upon such defendant or his solicitor a notice, that on a day in such notice named (being not less than fourteen days after the service of such notice) the Court will be moved that the bill may be taken *pro confesso* against such defendant; and the plaintiff is, upon the hearing of such motion, to satisfy the Court that such defendant ought, under the provisions of the last order, to be deemed to have absconded to avoid or to have refused to obey the process of the Court; and the Court being so satisfied, and the answer not being filed, may, if it so thinks fit, order the bill to be taken *pro confesso* against such defendant, either immediately or at such time or upon such further notice as under the circumstances of the case the Court may think proper.

LXXVI. In cases where any defendant who, under these orders, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, has had an appearance entered for him under these orders, and has not afterwards appeared in person or by his own solicitor, the plaintiff may cause to be inserted in some one newspaper printed and circulated in the County Palatine, and in the *London Gazette*, a notice that on a day in such notice named (being not less than four weeks after first insertion of such notice), the Court will be moved that the bill may be taken *pro confesso* against such defendant; and the plaintiff is, upon the hearing of such motion, to satisfy the Court that such defendant ought, under the provisions of the order, to be deemed to have absconded to avoid or to have refused to obey

the process of the Court, and that such notice of motion has been inserted in such newspaper as aforesaid, and in the *London Gazette*, at least once in every week from the time of the first insertion thereof up to the time for which the said notice is given; and the Court being so satisfied, may, if it so think fit (the answer not having been filed), order the bill to be taken *pro confesso* against such defendant, either immediately or at such time or upon such further notice as under the circumstances of the case the Court may think proper.

LXXVII. Any defendant being in custody for want of his answer, and submitting to have the bill taken *pro confesso* against him, may apply to the Court, upon motion with notice to be served on the plaintiff, to be discharged out of custody; and thereupon the Court may order the bill to be taken *pro confesso* against such defendant, and may order him to be discharged out of custody upon such terms as appear to be just, unless it appears from the nature of the plaintiff's case or otherwise to the satisfaction of the Court that justice cannot be done to the plaintiff without discovery or further discovery from such defendant.

LXXVIII. No cause in which an order is made that a bill be taken *pro confesso* against a defendant is to be heard on the same day on which the order is made; but the cause is to be set down to be heard, and the Court, if it so think fit, may appoint a special day for the hearing thereof.

LXXIX. A defendant against whom an order to take a bill *pro confesso* is made is at liberty to appear at the hearing of the cause; and if he waive all objection to the order, but not otherwise, he may be heard to argue the case upon the merits, as stated in the bill.

LXXX. Upon the hearing of a cause in which a bill has been ordered to be taken *pro confesso*, such decree is to be made as to the Court seems just; and in the case of any defendant who

has appeared at the hearing and waived all objection to such order to take the bill *pro confesso*, or against whom the order has been made after appearance by himself or his own solicitor, or upon notice served on, or after the execution of a writ of attachment against him, the decree is to be absolute.

LXXXI. In pronouncing the decree, the Court may, either upon the case stated in the bill, or upon that case and a petition presented by the plaintiff for the purpose, as the case may require, order a receiver of the real and personal estate of the defendant against whom the bill has been ordered to be taken *pro confesso*, to be appointed with the usual directions, or direct a sequestration of such real and personal estate to be issued, and may (if it appears to be just) direct payment to be made out of such real or personal estate of such sum or sums of money as at the hearing or any subsequent stage of the cause the plaintiff shall be declared to be entitled to: Provided that unless the decree be absolute, such payment is not to be directed without security being given by the plaintiff for restitution, if the Court afterward think fit to order restitution to be made.

LXXXII. A decree founded on a bill taken *pro confesso* is to be passed and entered as other decrees.

LXXXIII. After a decree founded on a bill taken *pro confesso* has been passed and entered, an office copy thereof is (unless the Court dispense with service thereof) to be served on the defendant against whom the order to take the bill *pro confesso* was made, or his solicitor; and if the decree be not absolute, such defendant or his solicitor is to be at the same time served with a notice to the effect, that if such defendant desire permission to answer the plaintiff's bill and set aside the decree, application for that purpose must be made to the Court within the time specified in the notice, or that such defendant will be absolutely excluded from making any such application.

LXXXIV. If such notice as is mentioned in the last order is to be served within the jurisdiction of the Court, the time therein specified for such application to be made by the defendant is to be three weeks after service of such notice; but if such notice is to be served out of the jurisdiction of the Court, such time is to be specially appointed by the Court on the *ex parte* application of the plaintiff.

LXXXV. No proceeding is to be taken and no receiver appointed under the decree, nor any sequestrator under any sequestration issued in pursuance thereof is to take possession of or in any manner intermeddle with any part of the real or personal estate of a defendant, and no other process is to issue to compel performance of the decree without leave of the Court, which is to be obtained on motion with notice served on such defendant or his solicitor, unless the Court dispense with such service.

LXXXVI. Any defendant waiving all objection to the order to take the bill *pro confesso*, and submitting to pay such costs as the Court may direct, may have the cause re-heard upon the merits stated in the bill, the petition for re-hearing being signed by counsel as other petitions for re-hearing, and presented within six calendar months from the making of such decree.

LXXXVII. In cases where a decree is not absolute under these orders, the Court may order the same to be made absolute on the motion of the plaintiff, made,

1. After the expiration of three weeks from the service of a copy of the decrée on the defendant, where the decree has been served within the jurisdiction.
2. After the expiration of the time appointed by the Court, where the decree has been served without the jurisdiction.

3. After the expiration of three years from the date of the decree, where a defendant has not been served with a copy thereof.

And such order may be made either on the first hearing of such motion, or on the expiration of any further time which the Court may on the hearing of such motion allow to the defendant for presenting a petition for leave to answer the bill.

LXXXVIII. Where the decree is not absolute in the first instance, and has not been made absolute, and a defendant has a case upon merits not appearing in the bill, he may apply to the Court by petition stating such case, and submitting to such terms with respect to costs and otherwise as the Court may think reasonable, for leave to answer the bill; and the Court, being satisfied that such case is proper to be submitted to the judgment of the Court, may, if it think fit, and upon such terms as may seem just, vacate the inrolment (if any) of the decree, and permit such defendant to answer the bill; and if permission be given to such defendant to answer the bill, leave may be given to file a separate replication to such answer, and issue may be joined, and witnesses examined, and such proceedings had as to such defendant as if the decree had not been made, and no proceedings against such defendant had been had in the cause.

LXXXIX. The rights and liabilities of any plaintiff or defendant under a decree made upon a bill taken *pro confesso* extend to the representatives of any deceased plaintiff or defendant, and to any persons or person claiming under any person who was plaintiff or defendant at the time when the decree was pronounced; and with reference to the altered state of parties and new interests acquired, the Court may, upon motion or petition served in such manner and supported by such evidence as under the circumstances of the case the Court may deem sufficient, permit any party, or the representative of any party, to file such bill or bills, or adopt such proceedings as the nature

and circumstances of the case require, for the purpose of having the decree (if absolute) duly executed, or for the purpose of having the matter of the decree (if not absolute) duly considered, and the rights of the parties duly ascertained and determined.

Joining Issue.

XC. No order to rejoin is hereafter to be issued; and only one replication is to be filed in each cause, unless the Court otherwise order; and the replication is to be in the form set forth at the foot of this order, or as near thereto as circumstances admit and require; and upon the filing of such replication, the cause is to be deemed to be completely at issue; and each defendant may, without any rule or order, proceed to examine his witnesses, and the plaintiff may in like manner proceed to examine his witnesses so soon as notice of the replication being filed has been duly served on all the defendants who have filed an answer or plea, or against whom a traversing note has been filed.

Form of Replication.

"Between A. B. ..... Plaintiff;

and

"C. D., E. F., G. H., &c. ..... Defendants.

"The plaintiff in this cause hereby joins issue with the de-"fendant C. D." [*all the defendants who have answered or pleaded, or against whom a traversing note has been filed*], "and "will hear the cause on bill and answer against the defend-"ant E. F." [*all the defendants against whom the cause is to be heard on bill and answer*], "and on the order to take the "bill as confessed against the defendant G. H." [*as the case may be.*]

EVIDENCE.

Commission to examine Witnesses.

XCI. Commissions to examine witnesses within the jurisdiction before a commissioner are to be directed to two commissioners only, and are to be returnable without delay. Commissioners are to be barristers or solicitors not concerned in the cause, and shall each have full power and authority to examine witnesses; but the commissioner first named in the commissions to be hereafter issued is alone to act in the execution of any commission, unless he is, by illness or other sufficient cause, incapacitated from acting therein, in which case the commissioner secondly named is alone to act in the execution of such commission.

XCII. Immediately after the replication is filed, the plaintiff, if he think fit, may give notice to all other parties entitled to examine witnesses in the cause of his intention to sue out a commission for that purpose; and the plaintiff, if he give such notice within six days after the filing of the replication, or before any defendant has given notice of his intention to sue out a commission, is to have the carriage of the commission.

XCIII. After the expiration of six days from the filing of the replication, if the plaintiff has not previously given notice to all other parties entitled to examine witnesses in the cause of his intention to sue out a commission for that purpose, any defendant may give notice to all the other parties entitled to examine witnesses in the same cause of such defendant's intention to sue out a commission for that purpose; and any defendant so giving such notice is to have the carriage of the commission, unless such notice be given by more than one defendant, in which case the defendant who first gave such notice is to have the carriage of the commission.

XCIV. Where the parties entitled to examine witnesses in the cause agree to the nomination of persons to be commissioners, and to the order in which such commissioners are to be named, the Registrar, upon being applied to for the purpose, is to cause a commission directed to such persons to be sealed and delivered to the person entitled to have the carriage thereof.

XCV. If all the parties entitled to examine witnesses in the cause have not, within ten days after the filing of the replication, agreed to the nomination of persons to be commissioners, any party entitled to examine witnesses in the cause may apply to the Registrar to appoint a time for naming commissioners, and such Registrar is to appoint such time; and notice thereof being duly served, all parties are to attend and propose commissioners; and if among the persons so proposed there are two or more to whom no just objection is made, the Registrar is to select or nominate and certify to be commissioners such two of the proposed persons as appear to him most proper to perform the duty; but if it appear that no one, or only one of such proposed persons is free from just objection, the Registrar, as the case may be, is to nominate and certify two proper persons, or to nominate one proper person, and certify him and the person free from objection to be the commissioners.

XCVI. If any question arise as to the commissioner who is to be first named, or as to the party who is to have the carriage of the commission, the Registrar is to determine such question, and to name the party who is to have the carriage of the commission.

XCVII. If any party entitled to examine witnesses in a cause shall desire to have any additional commission or commissions, application is to be made to the Registrar for leave to sue out such additional commission or commissions; and upon

the Registrar's certificate that such additional commission or commissions is or are proper to be issued, the same may be sued out in the same manner as a first or only commission; and in case the parties do not agree, any question respecting the commissioners to be named, or the order in which they are to be named in the commission, or any question respecting the carriage of any such additional commission, is to be settled by the Registrar as in the case of a first or only commission.

XCVIII. The Registrar is to deliver his certificate of the nomination of the commissioners to the solicitor of the party who is to have the carriage of the commission; and such solicitor is on the same day, or at the latest on the day next following the date of the Registrar's certificate, to file the same, and thereupon, or at the latest on the day following, the Registrar is to seal a commission directed to the persons named in the certificate, and to deliver such commission to the solicitor to whom he delivered the certificate; and such solicitor having received the commission is, within one week after the teste thereof, to deliver the same to the commissioner therein first named, if he be at the time able to act in the execution of the commission, but if not, then to the commissioner secondly named.

XCIX. If any solicitor having the carriage of a commission do not, within three days after the date of the Registrar's certificate, obtain the commission, and duly deliver the same to the commissioner by whom the same is to be executed, any other party entitled to examine witnesses may apply to the Registrar for leave to take out a new commission directed to the same commissioners, and to have the carriage of such commission; and the costs of such application are to be paid by the party in default, whether the application succeed or not, unless the Court shall otherwise order.

Form of Commission.

C. The form of a commission to be hereafter issued for the examination of witnesses is to be as follows, with such (if any) variations as the circumstances of the case require:—

"VICTORIA, &c.

"To A. B. and C. D., greeting.

"Know ye that we, in confidence of your prudence and "fidelity, have appointed you, and by these presents do "give unto each of you full power and authority, diligently "to examine all witnesses whatsoever upon certain inter- "rogatories to be exhibited to you in a cause wherein E. F. "is complainant and G. H. and others are defendants; and "therefore we command that one of you do, at certain days "and places to be appointed for that purpose, cause the "said witnesses to come before you, and then and there "examine each of them apart upon the said interrogatories, "either on their respective corporal oaths first taken before "you upon the Holy Evangelists, or in the case of Quakers "upon their solemn affirmation and declaration, or in such "other solemn manner as is or may be authorised by law, "and that you do take such their examinations and reduce "them into writing on parchment; and when you shall "have so taken them, you are to send the same to us in "our Court of Chancery of our County Palatine of Lan- "caster without delay, wheresoever it shall then be, closed "up and under your seal, distinctly and plainly set, together "with the said interrogatories and this writ. And we fur- "ther command you, that before you act in or be present "at the swearing or examining any witness or witnesses, you "do take the oath first specified in the schedule hereunto "annexed. And we further command that all and every the "clerk or clerks employed in taking, writing, transcribing "or engrossing the deposition or depositions of witnesses to "be examined by virtue of these presents shall, before he

"or they be permitted to act as clerk or clerks as aforesaid,
"or be present at such examination, severally take the oath
"last specified in the said schedule annexed; and we also
"give to you full power and authority to administer such oath
"to such clerk or clerks in manner aforesaid. Witness
"ourself at Lancaster, the day of ,
"in the year of our reign.

" ."

(Indorsement.)

"By order of Court."

(Name and address of agent and solicitor issuing writ.)

CI. The oath to be taken by a commissioner is to be set forth in a schedule annexed to the commission, and is to be in the form following, viz.:—

"You shall, according to the best of your skill and
"knowledge, truly, faithfully, and without partiality to any
"or either of the parties in this cause, take the examina-
"tions and depositions of all and every witness and wit-
"nesses produced and examined, by virtue of the commis-
"sion hereunto annexed, upon the interrogatories produced
"and left with you; and you shall not publish, disclose, or
"make known to any person or persons whatsoever, except
"to the clerk or clerks by you employed and sworn to
"secrecy in the execution of this commission, the contents
"of all or any of the depositions of the witnesses or any of
"them to be taken by you by virtue of the said commission,
"until publication shall pass pursuant to some general or
"special order of the Court of Chancery of the County
"Palatine of Lancaster.

"So help you GOD."

And the said oath is to be taken by the commissioner who is to act in the execution of the commission previously to his acting therein, before any person authorised to administer affidavits to be used in the Court of Chancery of the said County Palatine,

and who is not employed or concerned in the cause, and such person is hereby authorised and required to administer such oath.

CII. The oath to be taken by the clerk or clerks employed in taking, writing, transcribing or engrossing the deposition or depositions of witnesses to be examined by virtue of a commission is to be set forth in a schedule annexed to the commission, and is to be in the form following, viz.:—

"You shall truly and faithfully, and without partiality "to any or either of the parties in this cause, take and "write down, transcribe and ingross the depositions of all "and every witness and witnesses produced before and "examined by either of the commissioners named in the "commission hereunto annexed as far forth as you are "directed and employed by the said commissioner to take, "write down or ingross the said depositions or any of them; "and you shall not publish, disclose or make known to any "person or persons whatsoever the contents of all or any "of the depositions of the witnesses or any of them to be "taken, written down, transcribed or ingrossed by you, or "whereto you shall have recourse or be any ways privy, "until publication shall pass pursuant to some general "or special order of the Court of Chancery of the County "Palatine of Lancaster.

"So help you GOD."

And the said oath is to be taken before the acting commissioner by the clerk or clerks employed as aforesaid before he or they be permitted to act as such clerk or clerks, or to be present at the examination of witnesses under the commission; and the commissioner is hereby authorised and required to administer the said oath to such clerk or clerks accordingly.

CIII. The commissioner having taken such oath is, at the instance of any party entitled to examine witnesses, to sign and

deliver to such party a notice in writing specifying the time and place when and where he will proceed to examine witnesses, and such notice is to be duly served by the party who obtains it upon the solicitors of all the other parties entitled to examine witnesses under the commission, and in case any such party has no solicitor, upon such party, at least ten clear days before the day therein named for proceeding to examine witnesses.

CIV. All depositions of witnesses are to be taken and expressed in the first person.

CV. If the examination of witnesses cannot be completed in one day, and the circumstances of the case permit, the commissioner is to proceed *de die in diem*, during six hours of each day between the hours of eight in the morning and six in the afternoon, until the witnesses for all parties are fully examined; nevertheless the commissioner may, if in his opinion the circumstances of the case require an adjournment, adjourn the proceedings from time to time and from place to place, in such manner as he thinks proper; but he is in all cases to enter on the depositions any adjournment, and where such adjournment is from place to place or otherwise than *de die in diem*, the cause or reason of such adjournment, and he is also to enter on the depositions the hours of the day on which he commences and concludes the examination of witnesses on each day, and the true cause of his not proceeding for the full time of six hours on each day, if such should be the case; and when the examination of witnesses is completed, the commissioner is to seal up the depositions, and is to transmit the same, sealed up, with the commission, to the Registrar's office.

Vivâ voce Evidence.

CVI. The Court may, at the hearing of any cause or matter, if it shall think fit, direct any party or witness to be examined upon oath *vivâ voce*.

CVII. Any party in a cause or matter may, upon petition or motion *ex parte*, obtain an order for leave to examine a witness or witnesses *vivâ voce* at the hearing, and such order shall contain the names and descriptions of such witnesses; and upon such order being made, the writs of subpœna *ad testificandum* and subpœna *duces tecum* shall issue to compel the attendance of such witnesses; and upon proof that such order has been served upon the opposite party fourteen days before the day upon which the said cause or matter shall come on to be heard before the Court, the Court shall, subject to all just exceptions, permit such witness or witnesses to be examined *vivâ voce*, and cross-examined in the same way; and the Court shall take down or cause to be taken down in writing what shall appear to it to be the substance or material parts of such examination and cross-examination, and the same shall be preserved with the other proceedings in the cause.

CVIII. In cases in which any exhibit may be proved *vivâ voce* at the hearing of a cause, the same may be proved by the affidavit of the witness who would be competent to prove the same *vivâ voce* at the hearing.

Decrees and Orders, and Proceedings thereunder.

CIX. Where a defendant makes default at the hearing of a cause, the decree shall be absolute in the first instance, without giving the defendant a day to show cause; and such decree shall have the same force and effect as if the same had been a decree *nisi* in the first instance, and afterwards made absolute in default of cause shown by the defendant.

CX. Every decree for an account of the personal estate of a testator or intestate shall contain a direction to the Registrar, to inquire and state to the Court what parts (if any) of such personal estate are outstanding or undisposed of, unless the Court shall otherwise direct.

CXI. A creditor, whose debt does not carry interest, who shall come in and establish the same before the Registrar, under a decree or order in a suit, shall be entitled to interest upon his debt, at the rate of four pounds per centum per annum from the date of the decree, out of any assets which may remain after satisfying the costs of the suit, the debts established, and the interest of such debts as by law carry interest.

CXII. A creditor who has come in and established his debt before the Registrar, under a decree or order in a suit, shall be entitled to the costs of so establishing his debt; and the sum to be allowed for such costs shall be fixed by the Registrar without taxation, at the time the Registrar allows the debt of such creditor, unless the Registrar shall think that such costs ought to be taxed in the regular mode, in which case the same shall be so taxed by the Registrar, and the amount of such costs, or the sum allowed in respect thereof, shall be added to the debt so established.

CXIII. In reports no part of any state of facts, charge, affidavit, deposition, examination, or answer, brought in or used before him, shall be stated or recited. But such state of facts, charge, affidavit, deposition, examination, or answer shall be identified, specified and referred to, so as to inform the Court what state of facts, charge, affidavit, deposition, examination or answer was so brought in or used.

CXIV. Every order or decree requiring any party to do an act thereby ordered, shall state the time, or the time after service of the order or decree, within which the act is to be done; and upon the copy of the order or decree which shall be served upon the party required to obey the same, there shall be indorsed a memorandum in the words or to the effect following, viz.:—

"If you, the within named A.B., neglect to obey this "order [or decree], by the time therein limited, you will be

"liable to be arrested under a writ of attachment, issued "out of the Chancery of the County Palatine, or by the "messenger attending the same Court; and also be liable to "have your estate sequestered for the purpose of compelling "you to obey the same order [or decree]."

CXV. All decrees and orders shall be passed upon the Registrar signing at the foot thereof "By the Court;" and it shall not be necessary for the Vice-Chancellor to sign any decree or order, unless it be a decree or order for the payment of money out of Court, or for the transfer of any stock standing in the names of any of the officers of the Court; and all decrees and orders when entered shall be delivered to the plaintiff, unless the Court shall otherwise direct, except such as shall be for the payment of money out of Court, or the transfer of stock standing in the names of any of the officers of the Court, which shall be retained by the Registrar as heretofore.

CXVI. Upon due service of a decree or order for delivery of possession, and upon proof made of demand and refusal to obey such order, the party prosecuting the same shall be entitled to an order for a writ of assistance.

CXVII. Every person, not being a party in any cause, who has obtained an order, or in whose favour an order shall have been made, shall be entitled to enforce obedience to such order by the same process as if he were a party to the cause; and every person, not being a party in any cause against whom obedience to any order of the Court may be enforced, shall be liable to the same process for enforcing obedience to such order as if he were a party to the cause.

CXVIII. If any party who is, by an order or decree, ordered to pay money, or to do any other act in a limited time, shall, after due service of such order or decree, refuse or neglect to

obey the same, according to the exigency thereof, the party prosecuting such order or decree shall, at the expiration of the time limited for the performance thereof, be entitled to a writ or writs of attachment against the disobedient party; and in case such party shall be taken or detained in custody under any such writ of attachment, without obeying the same order or decree, then the party prosecuting the same order or decree shall, upon the sheriff's return that the party has been so taken or detained, be entitled to a commission of sequestration against the estate and effects of the disobedient party; and in case the sheriff shall make the return "*non est inventus*" to such writ or writs of attachment, the party prosecuting the same order or decree shall be entitled, at his option, either to a commission of sequestration in the first instance, or otherwise to an order for the messenger, and to such other process as he hath hitherto been entitled to, upon a return of "*non est inventus.*"

CXIX. Every person to whom, in any cause or matter pending in this Court, any sum of money or any costs have been ordered to be paid, shall, after the lapse of one month from the time when such order for payment was duly passed and entered, be entitled by his solicitor to sue out one or more writ or writs of *fieri facias*, or writ or writs of *elegit*, of the same form, *mutatis mutandis*, as the forms for the same purpose in the High Court of Chancery, or as near thereto as the circumstances of the case may require.

CXX. Upon every such order hereafter to be entered, the Registrar shall, at the request of the party leaving the same, mark the day of the month and year on which the same shall be so left for entry, and no writ of *fieri facias* or *elegit* shall be sued out upon any such order, unless the date of such entry shall be so marked thereon as aforesaid.

CXXI. Such writs, when sealed with the seal of the Registrar,

shall be delivered to the sheriff or other officer to whom the execution of the like writs issuing out of the superior Courts of Common Law of the County Palatine of Lancaster belongs, and shall be executed by such sheriff or other officer, as nearly as may be, in the same manner in which he doth or ought to execute such like writs; and such writs, when returned by such sheriff or other officer, shall be delivered to the Registrar, or left at the Registrar's office at Preston, and shall thereupon be filed as of record in the said office. And for the execution of such writs, such sheriff or other officer shall not take or be allowed any fees other than such as are or shall be from time to time allowed by lawful authority for the execution of the like writs issuing out of the superior Courts of Common Law.

CXXII. If it shall appear, upon the return of any such writ of *fieri facias* as aforesaid, that the sheriff or other officer hath, by virtue of such writ, seized, but not sold, any goods of the person ordered to pay such sum of money or costs as aforesaid, the person to whom such sum of money or costs is payable shall immediately after such writ with such return shall be filed as of record, be at liberty to sue out a writ of *venditioni exponas* in the form hereinafter stated, or as near thereto as the circumstances of the case may require.

CXXIII. On every such writ of *fieri facias* and *elegit* so to be issued as aforesaid, there shall be indorsed the words, "By the Court of Chancery of the County Palatine of Lancaster," and also thereunder the calling and place of residence of the party against whom such writ shall be issued, and also the name and residence or place of business of the solicitor or party, if he employ no solicitor, at whose instance the same shall be issued, and every such writ shall be tested at "Lancaster," and be also indorsed for the sum to be levied, according to the form used upon like writs issuing out of the superior Courts of Common Law.

PLEADING.

Claims.

CXXIV. Any person seeking equitable relief may, without special leave of the Court, and instead of proceeding by bill of complaint in the usual form, file a claim in the Registrar's office in any of the following cases; that is to say, in any case where the plaintiff is, or claims to be,

1. A creditor upon the estate of any deceased person seeking payment of his debt out of the deceased's assets.
2. A legatee, including always therein any person interested in any legacy, under the will of any deceased person seeking payment or delivery of his legacy out of the deceased's assets.
3. A residuary legatee, including always therein any person interested in any residue, or one of the residuary legatees of any deceased person seeking an account of the residue and payment or appropriation of his share therein.
4. The person, or any of the persons, entitled to the personal estate of any person who may have died intestate, and seeking an account of such personal estate and payment of his share thereof.
5. An executor or administrator of any deceased person seeking to have the personal estate of such deceased person administered under the directions of the Court.
6. A legal or equitable mortgagee, or person entitled to a lien as security for a debt seeking foreclosure or sale, or otherwise to enforce his security.
7. A person entitled to redeem any legal or equitable mortgage, or any lien, seeking to redeem the same.
8. A person entitled to the specific performance of an agreement for the sale or purchase or demise of any property seeking such specific performance.

9. A person entitled to an account of the dealings and transactions of a partnership dissolved or expired seeking such account.
10. A person entitled to an equitable estate or interest, and seeking to use the name of his trustee in prosecuting an action for his own sole benefit.
11. A person entitled to have a new trustee appointed in any case where such trustee cannot be appointed without the aid of the Court, and seeking to appoint a new trustee.

CXXV. Such claim is to be in the form and to the effect set forth in Schedule (A.) at the foot hereof, as applicable to the particular case; and the filing of such claim is, in all cases not otherwise provided for, to have the force and effect of filing a bill.

CXXVI. Upon filing such claim, the plaintiff thereby claiming may sue out a writ of summons against the defendant to the claim, requiring him to cause an appearance to be entered to such writ, and also at the same time to file with the Registrar an undertaking to show cause, if he can, why such relief as is claimed by the plaintiff should not be had, or why such order as shall be just with reference to the claim should not be made.

CXXVII. Such writ of summons is to be in the form and to the effect in that behalf set forth in No. 1 of Schedule (B.) at the foot hereof, with such variations as circumstances may require, and is to be sealed with the seal of the office of Registrar.

CXXVIII. In any case other than those above enumerated, or in any case in which the forms set forth in Schedule (A.) are not applicable, the Court (if it shall so think fit) may, upon the *ex parte* application of any person seeking equitable relief, and upon reading the claim proposed to be filed, give leave to file such claim and sue out a writ of summons thereon under these

orders; and if such leave be given, an indorsement thereon by the Registrar upon the proposed claim shall be sufficient evidence of authority for the Registrar to receive and file such claim.

CXXIX. In the case provided for by the 5th provision as to claims, any person who under the 3rd or 4th provision might have claimed relief against the executor or administrator of the deceased person whose personal estate is sought to be administered, and the co-executor or co-administrator (if any) of the plaintiff, may be named in the writ of summons as defendants to the suit; and in the first instance no other person need be therein named.

CXXX. In other cases, the only person who need be named in the writ of summons as defendant in the first instance, is the person against whom the relief is directly claimed.

CXXXI. All claims, and all writs, caveats, proceedings, directions and orders consequent thereon, either before the Court or in the Registrar's office, are to be deemed proceedings, writs and orders, subject to the general rules, orders and practice of the Court, so far as the same are or may be applicable to each particular case, and consistent with these orders; and all orders of the Court made in such proceedings are to be enforced in the same manner and by the same process as orders of the Court made in a cause upon bill filed.

CXXXII. Writs of summons are, as to the number of defendants to be named therein, as to the mode of service thereof, and as to the time and mode of entering appearances thereto, to be subject to the same rules as writs of subpœna to appear to and answer bills.

CXXXIII. The time for appearing and undertaking to show cause named in any writ of summons is to be eight days at the

least after service of the writ; but by consent of the parties, and with the leave of the Court, cause may be shown on any earlier day.

CXXXIV. At the time for showing cause named in the writ, the defendant, having previously appeared, is to file with the Registrar an undertaking to show cause to the Court why such relief as is claimed by the claim should not be had against him, and the plaintiff may thereupon apply to the Court to hear the claim.

CXXXV. At the time appointed for hearing the matter, then, on hearing the claim and what may be alleged on the part of the defendant, or if no appearance be entered, or no undertaking to show cause be filed, then, on the *ex parte* application of the plaintiff, and upon certificate of no such undertaking having been filed, and on affidavit of the writ of summons being duly served, the Court may, if it shall think fit, make an order granting or refusing the relief claimed, or directing any accounts or inquiries to be taken or made or other proceedings to be had, for the purpose of ascertaining the plaintiff's title to the relief claimed; and further, the Court may direct such (if any) persons, or classes of persons, as it shall think necessary or fit to be summoned or ordered to appear as parties to the claim, or on any proceedings before the Registrar, with reference to any accounts or inquiries directed to be taken or made, or otherwise.

CXXXVI. Every order to be so made is to have the effect of, and may be enforced as, a decree or decretal order made in a suit commenced by bill, and duly prosecuted to a hearing according to the present course of the Court.

CXXXVII. If, upon the application of any such order, or during any proceedings under any such order when made, it shall appear to the Court that for the purposes of justice between

the parties it is necessary or expedient that a bill should be filed, the Court may direct or authorise such bill to be filed, subject to such terms as to costs or otherwise as may be thought proper.

CXXXVIII. The orders made for granting relief in the several cases to which the forms set forth in Schedule (A.) are applicable, may, if the Court thinks fit, be in the form and to the effect set forth in Schedule (C.) at the foot hereof, as applicable to the particular case, with such variations as circumstances may require.

CXXXIX. Under every order of reference to the Registrar under these orders, the Registrar is, unless the Court otherwise orders, to be at liberty to cause the parties to be examined on interrogatories, and to produce deeds, books, papers and writings, as he shall think fit, and to cause advertisements for creditors, and if he shall think it necessary, but not otherwise, for heirs and next of kin, or other unascertained persons, and the representatives of such as may be dead, to be published in the usual forms, or otherwise, as the circumstances of the case may require; and in such advertisements to appoint a time within which such persons are to come in and prove their claims; and in taking any account of a deceased person's estate under any such order of reference, the Registrar is to inquire and state to the Court what part, if any, of the deceased's personal estate is outstanding or undisposed of, and is also to compute interest on the deceased's debts, as to such of them as carry interest, after the rate they respectively carry, and as to all others, after the rate of four per cent. per annum from the date of the order, and to compute interest on legacies after the rate of four per cent. per annum from the end of one year after the deceased's debt, unless any other time of payment or rate of interest is directed by the will, but in that case, according to the will; and under every

order whereby any property is ordered to be sold with the approbation of the Registrar, the same is to be sold to the best purchaser that can be got for the same, to be allowed by the Registrar, wherein all proper parties are to join as the Registrar shall direct.

CXL. If, upon the proceedings before the Registrar under any such order, it shall appear to the Registrar that some persons, not already parties, ought to attend, or to be enabled to attend, the proceedings before him, he is to be at liberty to certify the same, and upon the production of such certificate, the plaintiff may sue out a writ of summons, requiring the persons named in such certificate to appear to the writ, and such persons are thereupon to be named and treated as defendants to the suit.

CXLI. Such writ of summons under an order or Registrar's certificate is to be in the form and to the effect in that behalf set forth in No. 2 of Schedule (B.), with such variations as circumstances may require.

CXLII. The persons so summoned having appeared are to be at liberty to attend and to be entitled to notice of the proceedings before the Registrar, under the order of reference, subject to such directions as the Registrar may make in respect thereof.

CXLIII. Where any proceedings originally commenced by claim and writ of summons shall, by the death of parties or otherwise, have become abated or defective for want of parties, and no new relief is sought, a claim to revive or carry on the suit may be filed, and such claim is to be in the form set forth in No. 12 of Schedule (A.)

CXLIV. The party claiming simply to revive or carry on proceedings may sue out a writ of summons, requiring the

defendant thereto to appear to the writ, and to show cause, if he can, why the proceedings should not be revived or carried on; and such writ of summons is to be in the form and to the effect in that behalf set forth in No. 3 of Schedule (B.), with such variations as circumstances may require.

CXLV. If any defendant to any such writ having been served therewith, or being willing to waive such service is desirous of showing cause why the proceedings should not be revived or carried on, he is to appear and to file a caveat against such revivor or carrying on in the Registrar's office, in the form set forth in No. 4 of Schedule (B.), and to give notice thereof in writing to the opposite party. If no such caveat be filed within eight days from the time limited for his appearance to the writ, then, at the expiration of such eight days, the proceedings are to be revived, and may be carried on without any order for the purpose, and a certificate that no caveat has been filed within the time limited is to be a sufficient authority for the Registrar to proceed. But if any such caveat be filed, the proceedings are not to be revived or carried on without an order, to be obtained on motion, of which due notice is to be given.

CXLVI. Where any further or supplemental relief is sought, and such supplemental relief is such as is provided for in any of the cases hereinbefore enumerated, a supplemental claim may be filed in such of the forms set forth in Schedule (A.) as is applicable to the case.

CXLVII. If such supplemental relief is not such as is herein provided for, a supplemental claim may be filed, stating shortly the nature of the plaintiff's case and the supplemental relief claimed, but the leave of the Court is to be obtained previously to the filing thereof, upon an *ex parte* application for the purpose, in the manner specified as to other cases of application for leave to file a claim.

CXLVIII. A writ of summons may be sued out, and other proceedings may be taken upon a supplemental claim in like manner as upon an original claim.

CXLIX. Guardians *ad litem* to defend may be appointed for infants or persons of unsound mind against whom any writ of summons may have issued under these orders, in like manner as guardians *ad litem* to answer and defend are to be appointed in suits on bill filed.

CL. Any order or proceeding made, or purporting to be made, in pursuance of these orders may be discharged, varied or set aside on motion; and any order for accelerating proceedings may be made by consent.

CLI. If any of the cases before enumerated involve, or are attended by, such special circumstances, affecting either the estate or the personal conduct of the defendant, as to require special relief, the plaintiff is at liberty to seek his relief by bill, as if these orders had not been made.

CLII. If at any time after these orders come into operation any suit for any of the purposes to which the forms set forth in schedule (A.) are applicable shall be commenced by bill and prosecuted to a hearing in the usual course, and upon the hearing it shall appear to the Court that an order to the effect of the decree then made, or an order equally beneficial to the plaintiff, might have been obtained upon a proceeding by summons in the manner authorised by these orders, the Court may order that the increased costs which have been occasioned by the proceedings by bill beyond the amount of costs which would have been sustained in the proceeding by summons shall be borne and paid by the plaintiff.

PLEADING.

Bills.

CLIII. A defendant shall not be bound to answer any statement or charge in the bill, unless specially and particularly required so to do; and where a defendant shall answer any statement or charge in the bill which he is not required to answer only by stating his ignorance of the matter so stated or charged, such answer shall be deemed impertinent, unless some special reason shall appear, rendering the same material to the defendant.

CLIV. The statements and charges in a bill may be divided into sections, and numbered, and if the plaintiff think fit, he may require a defendant to answer any such statements or charges without otherwise interrogating him thereto, and the defendant shall put in a sufficient answer accordingly.

CLV. The interrogatories contained in the interrogating part of the bill shall be divided as conveniently as may be from each other, and numbered consecutively 1, 2, 3, &c.; and the interrogatories which each defendant is required to answer shall be specified in a note at the foot of the bill, in the form or to the effect following; that is to say,—"The defendant (A.B.) is required to answer the interrogatories numbered respectively 1, 2, 3, &c.;" and the office copy of the bill taken by each defendant shall not contain any interrogatories except those which such defendant is so required to answer, unless such defendant shall require to be furnished with a copy of the whole bill.

CLVI. The note at the foot of the bill, specifying the interrogatories which each defendant is required to answer, shall be

considered and treated as part of the bill; and the addition of any such note to the bill, or any alteration in or addition to such note after the bill is filed, shall be considered and treated as an amendment of the bill.

Demurrers and Pleas.

CLVII. No demurrer or plea shall be held bad, and overruled upon argument, only because such demurrer or plea shall not cover so much of the bill as it might by law have extended to.

CLVIII. No demurrer or plea shall be held bad, and overruled upon argument, only because the answer of the defendant may extend to some part of the same matter as may be covered by such demurrer or plea.

CLIX. A defendant shall be at liberty, by answer, to decline answering any interrogatory or part of an interrogatory, from answering which he might have protected himself by demurrer; and he shall be at liberty so to decline, notwithstanding he shall answer other parts of the bill from which he might have protected himself by demurrer.

CLX. Where the defendant shall, by his answer, suggest that the bill is defective for want of parties, the plaintiff shall be at liberty, within fourteen days after answer filed, to set down the cause for argument upon that objection only; and the purpose for which the same is so set down shall be notified by an entry, to be made in the Registrar's book, in the form or to the effect following; (that is to say) "Set down upon the defendant's objection for want of parties:" and that where the plaintiff shall not so set down his cause, but shall proceed therewith to a hearing, notwithstanding an objection for want of parties taken by the answer, he shall not, at the hearing of the cause, if the

defendant's objection shall then be allowed, be entitled, as of course, to an order for liberty to amend his bill by adding parties; but the Court, if it thinks fit, shall be at liberty to dismiss the bill.

CLXI. If a defendant shall, at the hearing of a cause, object that a suit is defective for want of parties not having, by plea or answer, taken the objection, and therein specified by name or description the parties to whom the objection applies, the Court (if it shall think fit) shall be at liberty to make a decree saving the rights of the absent parties.

Bills of Discovery.

CLXII. Where a defendant in equity files a cross bill against the plaintiff in equity for discovery only, the costs of such bill, and of the answer thereto, shall be in the discretion of the Court at the hearing of the original cause.

CLXIII. Where a defendant in equity files a cross bill for discovery only against the plaintiff in equity, the answer to such cross bill may be read and used by the party filing such cross bill, in the same manner and under the same restrictions as the answer to a bill praying relief may now be read and used.

CLXIV. A defendant may at all times, if he think fit, file interrogatories for the examination of the plaintiff, instead of a cross bill, and the subpœna to answer such interrogatories may be obtained and served, and an answer or examination on the part of the plaintiff enforced, and the sufficiency thereof determined, in the same manner and with the same limitations as to time, and subject to the same jurisdiction of the Court as to costs, as if a cross bill had been filed.

Bills of Revivor and Supplement.

CLXV. In all cases where a party is entitled to revive a suit, he may, instead of filing a bill of revivor, cause a short note to be entered by the Registrar at the foot of the bill in the original suit, stating the names of the parties against whom he seeks to revive the suit, and the character they sustain in respect of such revivor, and thereupon all such parties shall be deemed to be parties defendant by way of revivor, and a subpœna shall issue in the same way as if a bill of revivor had been filed.

CLXVI. That in case of any defendant becoming bankrupt, or taking the benefit of the Acts for the Relief of Insolvent Debtors, the assignees of such party may be made defendants by a note entered in like manner at the foot of the bill in the original suit, and a subpœna may be issued against them accordingly.

CLXVII. In any of the above cases, the party served with subpœna may, after appearance, make the same defence as he might have done if a bill of revivor or supplement, as the case may be, had been duly filed, subject to the same regulations as to the time and mode of making such defence as would have been applicable if a bill had been filed.

Parties.

CLXVIII. In all suits concerning real estate vested in trustees by devise, who have power to sell the same and give receipts, which shall be sufficient discharges to the purchaser, such trustees shall represent the persons beneficially interested in the estate, or the proceeds or the rents and profits, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the per-

sons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested in such real estate, or rents and profits, parties to the suit; but the Court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons to be made parties.

CLXIX. In suits to execute the trusts of a will, it shall not be necessary to make the heir-at-law a party; but the plaintiff shall be at liberty to make the heir-at-law a party where he desires to have the will established against him.

CLXX. In all cases in which the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the Court, as parties to a suit concerning such demand, all the persons liable thereto, but the plaintiff may proceed against one or more of the persons severally liable, subject to the power and discretion of the Court to require, when it shall see fit, additional parties.

Petitions of Appeal and Re-hearing.

CLXXI. Petitions of appeal and re-hearing shall only state the order appealed from.

Proceedings in Registrar's Office.

CLXXII. Proper calendars or indexes shall be kept, so that the same may be conveniently referred to when required; and such calendars or indexes, and the books of entries, shall at all times, during office hours, be accessible to all persons on payment of the usual fees.

CLXXIII. All reports and exceptions to reports and petitions shall be filed or preserved by the Registrar.

CLXXIV. In addition to the calendars, the Registrar shall enter in a book, to be kept by him for that purpose, the time when any report and set of exceptions is delivered to him to be filed, with the name of the cause and the date of the report, and, as regards exceptions, the names of the parties excepting, and such book shall at all times, during office hours, be accessible to all persons.

CLXXV. All copies of affidavits shall be ready for delivery within forty-eight hours after the same shall be bespoken.

CLXXVI. Whenever any bill upon the files of the Court shall be amended, the record of such bill, when amended, shall be marked with the date of the order under which the same is so amended, and of the day on which such amendment is made, in manner and form following, viz., "Amended day of by order, dated day of ;" and the plaintiff shall, within two days, give notice thereof to the defendant; and an entry of such amendment, together with the aforesaid date of making such amendment, and the date of such entry, shall be made in the Registrar's book, and such amended bill shall be deemed to be filed at and from the date of such entry made and notice served.

CLXXVII. All affidavits and depositions are to be taken and expressed in the first person, and no costs are to be allowed for preparing any affidavit in any other form.

CLXXVIII. For the purpose of enabling all persons interested to obtain precise information as to the state of any cause, and to take the means of preventing improper delay in the progress thereof, the Registrar shall, at the request of any person interested, whether a party or not in the suit or matter inquired after, procure and furnish a certificate, specifying therein the dates and general description of the several proceedings which

have been taken in any cause; and that he shall be entitled to receive the sum of three shillings and fourpence for such certificate, and no more.

CLXXIX. Where any decree or order referring any matter to the Registrar is not brought into the Registrar's office within ten days after the same decree or order is pronounced, any party to the cause, or any other party interested in the matter of the reference, shall be at liberty to bring in the same, or to apply to the Court, by motion or petition, as he may be advised, for the purpose of expediting the prosecution of the said decree or order.

CLXXX. The Registrar shall enter in a book, to be kept by him for that purpose, the name or title of every cause or matter referred to him, and the time when the decree or order is brought into his office, and the date and description of every subsequent step taken before him in the same cause or matter, and the attendance or non-attendance of the several parties on each of such steps, so that such book may exhibit at one view the whole course of proceeding which is had before him in each particular cause and matter.

CLXXXI. Upon the bringing in of every decree or order, the solicitor or party bringing in the same shall apply to the Registrar to appoint a time for the purpose of taking into consideration the matter of the said decree or order, and shall serve a copy of such appointment upon the other solicitors or respective parties, or upon the parties in cases where they shall have no solicitors.

CLXXXII. At the time so appointed for considering the matter of the said decree or order, the Registrar shall proceed to regulate as far as may be the manner of its execution; as for example, to state what parties are entitled to attend future pro-

ceedings, to direct the necessary advertisements, and to point out which of the several proceedings may be properly going on *pari passu*, and as to what particular matters interrogatories for the examination of the parties appear to be necessary, and whether the matters requiring evidence shall be proved by affidavit or by examination of witnesses; and in the latter case, if necessary, to issue his certificate for a commission; and if the Registrar shall think it expedient so to do, he shall then fix a certain time or certain times within which parties are to take any certain proceeding or proceedings before him.

CLXXXIII. Upon any subsequent attendance before him in the same cause or matter, the Registrar, if he thinks it expedient so to do, shall fix a certain time or certain times within which the parties are to take any other proceeding or proceedings before him.

CLXXXIV. Where some or one, but not all, the parties do attend the Registrar at an appointed time, there the Registrar shall be at liberty, on proof of due service of this appointment, to proceed *ex parte*, if he thinks it expedient, considering the nature of the case, so to do.

CLXXXV. Where the Registrar has proceeded *ex parte*, such proceeding shall not in any manner be reviewed in the Registrar's office, unless the Registrar, upon a special application made to him for that purpose by a party who was absent, shall be satisfied that he was not guilty of wilful delay or gross negligence, and then only upon payment of all costs occasioned by his non-attendance; such costs to be certified by the Registrar at the time, and paid by the party or his solicitor before he shall be permitted to proceed on the warrant to review.

CLXXXVI. Where a proceeding fails, by reason of the non-attendance of any party or parties, and the Registrar does not

think it expedient to proceed *ex parte*, there the Registrar shall be at liberty to certify what amount of costs, if any, should be paid to the party or parties attending, by the absent party or parties, or by his or their solicitor or solicitors, personally, as the Registrar in his discretion shall think fit; but the Registrar is to be at liberty, when the circumstances render it in his opinion just, not to insist on the payment of costs; and upon motion or petition, and if it shall think fit *ex parte*, the Court may make order for the payment of such costs accordingly.

CLXXXVII. Where the party actually prosecuting a decree or order does not proceed before the Registrar with due diligence, there the Registrar shall be at liberty, upon the application of any other party interested, either as a party to the suit, or as one who has come in and established his claim before the Registrar under the decree or order, to commit to him the prosecution of the said decree or order; and from thenceforth, neither the party making default, nor his solicitor, shall be at liberty to attend the Registrar as the prosecutor of the said decree or order.

CLXXXVIII. The Registrar shall be at liberty, without order, to proceed in all matters referred to him *de die in diem*, at his discretion.

CLXXXIX. Every warrant for attendance before the Registrar shall be considered as peremptory, and the Registrar shall be at liberty to continue the attendance during such time as he thinks proper, and shall be empowered to increase the fee for the solicitor's attendance in proportion to the time actually occupied; and in case the Registrar shall not be attended by the solicitor or a competent person on behalf of the solicitor of any party, the Registrar shall in such case disallow the usual fee for the solicitor's attendance, taking care either in allowing an increased fee, or disallowing the usual fee, to mark his determination in his attendance-book, and also on the warrant for attendance.

CXC. Where, by virtue of any decree or order of the Court, books, papers or writings are directed to be produced before the Registrar for the purposes of such decree or order, it shall be in the discretion of the Registrar to determine what books, papers or writings are to be produced, and when and for how long they are to be left in his office; or in case he shall not deem it necessary that such books, papers or writings should be left or deposited in his office, then he may give directions for the inspection thereof by the parties requiring the same, at such time and in such manner as he shall deem expedient.

CXCI. All parties accounting before the Registrar shall bring in their accounts in the form of debtor and creditor; and any of the other parties who shall not be satisfied with the accounts so brought in, shall be at liberty to examine the accounting party upon interrogatories, as the Registrar shall direct.

CXCII. All reports made by the Registrar shall, when filed, be entered in a book, to be kept for that purpose in the Registrar's office, and with proper indexes, in order to be referred to as occasion may require, and after entry, copies thereof shall be delivered to the party at whose immediate expense the same shall have been prepared.

CXCIII. The Registrar shall have power, at his discretion, to examine any witness *vivâ voce;* and in such case to issue the subpœna for the attendance of the witness; and the evidence upon such *vivâ voce* examination shall be taken down by the Registrar, or by the Registrar's clerk in his presence, and preserved in the Registrar's office, in order that the same may be used by the Court if necessary.

CXCIV. The Registrar shall be at liberty to examine any creditor or other person coming in to claim before him, either upon written interrogatories or *vivâ voce,* or in both modes, as

the nature of the case may appear to him to require; the evidence upon such examination being taken down at the time by the Registrar, or by the Registrar's clerk in his presence, and preserved, in order that the same may be used by the Court if necessary.

CXCV. In case any witness, creditor or claimant, whom the Registrar is authorised to examine *viva voce*, shall refuse to answer, or shall not satisfactorily answer, any question or questions which the Registrar may lawfully put to him, the Registrar shall certify such refusal or such unsatisfactory answer, and the question or questions asked, to the Court, and thereupon the Court, upon motion or petition, to be served as the Court may think reasonable and just, may, if it shall think fit, direct an attachment to be issued against such witness, creditor or claimant as for a contempt of Court.

CXCVI. If any party wishes to complain of any matter introduced into any state of facts, affidavit or other proceeding before the Registrar, on the ground that it is scandalous or impertinent, or that any examination taken in the Registrar's office is insufficient, he shall be at liberty, without any order of reference by the Court, to take out a warrant for the Registrar to examine such matter, and the Registrar shall have authority to expunge any such matter which he shall find to be scandalous or impertinent.

CXCVII. In cases where estates or other property are directed to be sold before the Registrar, the Registrar shall be at liberty to order the same to be sold at such place and by such person as he shall think fit, and for the benefit of the parties interested.

CXCVIII. Whenever in any proceeding before the Registrar the same solicitor is employed for two or more parties, the Registrar may at his discretion require that any of the said parties

shall be represented before him by a distinct solicitor, and may refuse to proceed until such party is so represented.

CXCIX. If upon the warrant taken out for considering the decree or order of reference, or at any time during the reference, it shall appear to the Registrar, with respect to the whole or any portion of the proceedings, that the interests of the parties can be classified, he is to be at liberty to require the persons constituting each or any class to be represented by the same solicitor; and if the parties constituting such class cannot agree upon the solicitor to represent them, the Registrar is to be at liberty to nominate such solicitor for the purpose of the proceedings before him; and if any of the parties constituting such class shall decline to authorise the solicitor so nominated to act for him, and shall insist upon being represented by a different solicitor, such party shall, if the Court think fit so to direct, personally pay the costs of his own solicitor of and relating to the proceedings before the Registrar with respect to which such nomination shall have been made, and all such further costs as shall be occasioned to any of the parties by his being represented by a different solicitor from the solicitor so to be nominated.

CC. In every order directing the appointment of a receiver of a landed estate, there shall be inserted a direction that such receiver shall manage, as well as set and let, with the approbation of the Registrar; and in acting under such an order, the Registrar without special order shall receive and act upon any proposal for the management or letting of the estate.

CCI. No warrant to review any proceeding in the Registrar's office shall be allowed to be taken out, except by permission of the Registrar, upon special grounds to be shown to him for that purpose; and the costs of such review when allowed shall be in the discretion of the Registrar, and shall be paid by and to such persons and at such time as he shall direct.

CCII. In all references, the Registrar shall be at liberty, upon the application of any party or person interested, to state any circumstances specially without special order, and also to make a separate report or reports, from time to time, as to him shall seem expedient; the costs of such separate reports to be in the discretion of the Court.

CCIII. Where the Registrar shall make a separate report of debts or legacies, there the Registrar shall be at liberty to make such certificate as he thinks fit with respect to the state of the assets; and every person interested shall thereupon be at liberty to apply to the Court as he shall be advised.

CCIV. The Registrar shall draw up all directions or orders given or made by him in a short form, and the same, when signed by him, shall be entered in a book to be kept for that purpose in his office, and shall then be marked by the said Registrar as entered, and he shall sign his initials thereto in this form: "Ent. A. B."

CCV. For the purpose of avoiding, as much as may be, expense and delay in the drawing of decrees and orders, neither the bill nor answers, nor any part thereof, shall be stated or recited in the original decree or order; and no part of the Registrar's report shall be stated in any decree upon further directions, except the Registrar's finding, or opinion upon the subject referred to him; and in orders made upon petitions, no part of the petition shall be stated or recited, except the prayer; and the same principle of brevity shall be observed in all the orders of this Court made upon motion, so far as may be consistent with a statement explaining the grounds upon which the order is made.

CCVI. No person shall be compelled or required to take or pay for any copy of any paper or document being in the office of the Registrar; and every person shall be at liberty to take a

copy of such part only as he may require of any paper or document being in the office of the Registrar: provided always, that in the taxation of costs, no person be allowed the costs of the copy of any paper or document, or any part of any paper or document, originating in the Registrar's office, or brought in before the Registrar, unless such copy shall have been either made in the Registrar's office, or shall have been transcribed from a copy made therein, and taken by the party claiming to be allowed the costs of such second or other copy, or unless such copy shall have been made for the use of the Registrar or of the Court, or by the desire or for the use of the client or clients of the solicitor claiming to be paid for such copy.

CCVII. Whenever upon the hearing of any cause or other matter it shall appear that the same cannot conveniently proceed, by reason of the solicitor for any party having neglected to attend personally, or by some proper person on his behalf, or having omitted to deliver any paper necessary for the use of the Court, and which according to its practice ought to have been delivered, such solicitor shall personally pay to all or any of the parties such costs, if any, as the Court shall think fit to award.

CCVIII. Where any cause or matter shall become abated, or shall be compromised, after the same is set down to be heard, the plaintiff or petitioner, or his solicitor, shall certify the fact to the Registrar, who shall cause an entry thereof to be made in the proper book; and the plaintiff or petitioner, or his solicitor shall be allowed a fee of six shillings and eight-pence for such certificate, if he shall certify the fact as soon as the same shall come to his knowledge, or with all convenient speed thereafter.

CCIX. The penal sum in the bond to be given as a security to answer the costs by any plaintiff who is out of the jurisdiction of the Court, and also out of the jurisdiction of the High Court of Chancery, shall be one hundred pounds.

CCX. The deposit upon exceptions to the Registrar's report shall be five pounds, to be paid to the adverse party, if the exceptions are overruled; in which case the exceptant shall also pay the further taxed costs occasioned by such exceptions, unless the Court shall otherwise order; but in case the exceptant shall in part succeed, the deposit shall be dealt with, and costs shall be paid, as the Court shall direct.

CCXI. The deposit upon every petition of appeal or re-hearing shall be twenty pounds, to be paid to the adverse party when the decree or order appealed from is not varied in any material point, together with the further taxed costs occasioned by the appeal or re-hearing, unless the Court shall otherwise order.

CCXII. When a defendant, in contempt for want of answer, obtains, upon filing his answer, the common order to be discharged as to his contempt, on payment or tender of the costs thereof, or the plaintiff accepts the costs without order, he shall not by such acceptance be compelled, in the event of the answer being insufficient, to re-commence the process of contempt against the defendant, but shall be at liberty to take up the process at the point to which he had before proceeded.

CCXIII. Where the Registrar is directed to settle a conveyance, or to tax costs, in case the parties differ about the same, then the party claiming the costs, or entitled to prepare the conveyence, shall bring the bill of costs, or the draft of the conveyance, into the Registrar's office, and give notice of his having so done to the other party; and at any time within eight days after such notice, such other party shall have liberty to inspect the same without fee, and may take a copy thereof, if he thinks fit. And at or before the expiration of the eight days, or such further time as the Registrar shall in his discretion allow, he shall then either agree to pay the costs or adopt the conveyance, as the case may be, or signify his dissent therefrom, and

shall thereupon be at liberty to tender a sum of money for the costs, or to deliver a statement in writing of the alterations which he proposes, in the draft of the conveyance. But if he make no such tender, nor deliver any such statement in writing, or if the other party refuses to accept the sum so tendered, or to adopt the proposed alterations in the draft of the conveyance, the Registrar shall then proceed to tax the costs, or settle the conveyance, according to the practice of the Court. And in case the taxed costs shall not exceed the sum tendered, or the Registrar shall adopt the proposed alterations in the draft of the conveyance, then the costs of the taxation, or the costs of the proceeding with respect to the conveyance, shall be borne by the other party, unless the Registrar or the Court shall otherwise direct.

Costs.

CCXIV. Where the same solicitor is employed for two or more defendants, and separate answers shall have been filed, or other proceedings had by or for two or more defendants separately, the Registrar shall consider, in the taxation of such solicitor's bill of costs, either between party and party, or between solicitor and client, whether such separate answers or other proceedings were necessary or proper; and if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, the same shall be disallowed.

CCXV. Where a plaintiff obtains a decree with costs, there the costs occasioned to the plaintiff by the insufficiency of the answer of any defendant shall be deemed to be part of the plaintiff's costs in the cause against such defendant, such sum or sums being deducted therefrom as were paid by the defendant, according to the course of the Court, upon the exceptions to the said answer being submitted to or allowed.

CCXVI. Where the plaintiff is directed to pay to the defendant the costs of the suit, there the costs occasioned to a defendant by any amendment of the bill shall be deemed to be part of such defendant's costs in the cause (except as to any amendment which shall appear to have been rendered necessary by the default of such defendant); but there shall be deducted from such costs any sum or sums which may have been paid by the plaintiff, according to the course of the Court, at the time of any amendment.

CCXVII. When, upon taxation, a plaintiff who has obtained a decree with costs is not allowed the costs of any amendment of the bill, upon the ground of its having been unnecessarily made, the defendant's costs occasioned by such amendment shall be taxed, and the amount thereof deducted from the costs to be paid by the defendant to the plaintiff.

CCXVIII. Upon the overruling of any plea or demurrer, the defendant shall pay to the plaintiff the taxed costs occasioned thereby, unless the Court shall make order to the contrary.

CCXIX. When a cause which stands for hearing is called on to be heard, but cannot be decided by reason of a want of parties, or other defect on the part of the plaintiff, and is therefore struck out of the paper; if the same cause is again set down, the defendant or defendants shall be allowed the taxed costs occasioned by the first setting down, although he or they do not obtain the costs of the suit, unless the Court shall otherwise order.

CCXX. Where a cause, being in the paper for hearing, is ordered to be adjourned upon payment of the costs of the day, there the party to pay the same shall pay the sum of ten pounds, unless the Court shall make order to the contrary.

CCXXI. The Registrar shall, on all applications to him under these orders, be at liberty to direct, and shall accordingly, in the orders made thereon, order and direct whether the costs of the application shall be costs in the cause, or whether such costs, or any part thereof, shall be paid by any of the parties personally; and in the latter case, the Registrar shall, in such orders, either fix the sum to be paid for such costs, or tax the same, at his discretion; and the party to whom such costs are directed to be paid shall be entitled to sue out a subpœna for the same.

CCXXII. Where costs are to be taxed as between party and party, the Registrar may allow to the party entitled to receive such costs, all such just and reasonable expenses as appear to have been properly incurred in —

The service and execution of writs, and the service of orders, notices, petitions, and warrants.

Advising with counsel on the pleadings, evidence and other proceedings in the cause.

Procuring counsel to settle and sign pleadings and such petitions as may appear to have been proper to be settled by counsel.

Procuring consultations of counsel.

Procuring the attendance of counsel in the Registrar's office, upon questions relating to pleadings or title.

Procuring evidence by depositions or affidavit and the attendance of witnesses; and

Supplying counsel with copies of, or extracts from, necessary documents.

CCXXIII. But in taxing costs, the Registrar is not on any occasion to allow to any party any costs which do not appear to have been necessary or proper for the attainment of justice, or for defending his rights, or which appear to have been incurred through over caution, negligence, or mistake, or merely at the desire of the party.

CCXXIV. If upon the hearing of any cause, petition or motion, the Court is of opinion that any pleading, petition or affidavit which has not been referred for impertinence, or any part of any such pleading, petition or affidavit, is improper or of unnecessary length, the Court may either declare such pleading, petition or affidavit, or any part thereof, to be improper or of unnecessary length, or may direct the Registrar to look into such pleading, petition or affidavit, and distinguish what parts or part thereof are or is improper or of unnecessary length, and may direct the Registrar to ascertain the costs occasioned to any party by such parts or part thereof as in the one case may have been declared to be, and in the other case may have been distinguished as being, improper or of unnecessary length, and may make such order as is just for the payment, set-off or other allowance of such costs. Upon interlocutory applications, where the Court deems it proper to award costs to either party, the Court may by the order direct payment of a sum in gross in lieu of taxed costs, and direct by and to whom such sum in gross is to be paid. In cases where a bill or petition is dismissed with costs, or a motion is refused with costs, or any costs are by any general or special order ordered or decreed to be paid, the Registrar may tax such costs without any order referring the same for taxation, unless the Court shall otherwise direct; and the costs to be certified by the Registrar are to be recovered by subpœna.

CCXXV. The costs of a bill of discovery, filed by any defendant to a bill for relief, are to be costs in the original cause, unless the Court otherwise order.

Payment into the Bank of Trust Monies, under 13 *&* 14 *Vict. c.* 43, *s.* 12.

CCXXVI. Any trustee desiring to pay money, or transfer stock or securities, into the Bank of England, to the joint

account of the Clerk of the Council of the Duchy of Lancaster and of the Registrar and Comptroller of the County Palatine Court, under the above Act, is to file an affidavit, entitled in the matter of the Act and of the trust, and setting forth—

1. His own name and address.
2. The place where he is to be served with any petition, or any notice of any proceeding or order of the Court relating to the trust fund.
3. The amount of stock securities, or money which he proposes to deposit, or to transfer, or to pay into Court to the credit of the trust.
4. A short description of the trust, and of the instrument creating it.
5. The names of the parties interested in or entitled to the fund, to the best of the knowledge and belief of the trustee.
6. The submission of the trustee to answer all such inquiries relating to the application of the stocks, securities or money transferred, deposited or paid in under the Act, as the Court may think proper to make or direct.

CCXXVII. The Registrar, on production of an office copy of the affidavit, is to give the necessary directions for transfer, deposit or payment, and to place the stock, securities or money to the account of the particular trust, and such transfer, deposit or payment is to be certified in the usual manner.

CCXXVIII. The trustee, having made the payment, transfer or deposit, is forthwith to give notice thereof to the several persons named in the affidavit, as interested in or entitled to the fund.

CCXXIX. Such persons, or any of them, or the trustee, may apply by petition, as occasion may require, respecting the investment, payment out, or distribution of the fund, or of the dividends thereof.

CCXXX. The trustee is to be served with notice of any application made to the Court respecting the fund, or the dividends or interest thereof, by any party interested therein or entitled thereto.

CCXXXI. The parties interested in or entitled to the fund are to be served with notice of any application made to the Court by the trustee, respecting the fund in Court, or the interest or dividends thereof.

CCXXXII. No petition is to be set down to be heard until the petitioner has first named a place where he may be served with any petition or notice of any proceeding or order of the Court relating to the trust fund.

CCXXXIII. Petitions presented and affidavits filed under the said Act are to be entitled in the matter of the said Act, and in the matter of the particular trust.

Petitions under Special Acts of Parliament and 13 *&* 14 *Vict. c.* 43, *s.* 11.

CCXXXIV. All petitions under Special Acts of Parliament which could not be heard by the Court, except under and by virtue of the above-mentioned Act of the 13th & 14th years of the reign of the Queen, must be entitled in the matter of such last-mentioned Act, and of the said Special Act.

CCXXXV. Where the consent or sanction of the Attorney General is required by any Special Act, the consent or sanction of the Attorney-General of the County Palatine must be obtained.

(Signed) CARLISLE.
WILLIAM PAGE WOOD.
J. L. KNIGHT BRUCE.

SCHEDULE (A.)

Forms of Claim.

1. By a Creditor upon the estate of a deceased person, seeking payment of his debt out of the deceased's personal assets.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

E. F., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that C. D., late of deceased, was, at the time of his death, and that his estate still is, justly indebted to him the said A. B. in the sum of £ for goods sold and delivered by the said A. B. to the said C. D. [*or otherwise, as the case may be, or, if the debt is secured by any written instrument, state the date and nature thereof.*] And that the said C. D. died in or about the month of and that the above-named defendant E. F. is the executor [*or administrator*] of the said C. D., and that the said debt hath not been paid; and therefore the said A. B. claims to be paid the said debt or sum of £ with his costs of this suit, and in default thereof he claims to have the personal estate of the said C. D. administered in this Court on behalf of himself and all other the unsatisfied creditors of the said C. D., and for that purpose that all proper directions may be given and accounts taken.

Note.—*This form may be varied, according to the circumstances of the case, where the claimant is not the original creditor, but has become interested in or entitled to the debt; in which case the character in which he claims is to be stated.*

2. By a Legatee under the will of any deceased person, seeking payment or delivery of his legacy out of the testator's personal assets.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that he is a legatee to the amount of £ , under the will dated the day of of late of deceased, who died on the day of and that the above-named C. D. is the executor of the said and that the said legacy of £ , together with interest thereon after the rate of £ per cent. per annum from the day of [*the day mentioned in the will for the payment of the legacy, or the expiration of twelve calendar months after the said testator's death,*] is now due and owing to him the said A. B., [*or still unpaid or unsatisfied,*] [*or unappropriated or unsecured,*] and the said A. B. therefore claims to be paid [*or satisfied*] the said legacy and interest, [*or to have the said legacy and interest appropriated and secured,*] and in default thereof he claims to have the personal estate of the said administered in this Court, on behalf of himself and all other the legatees of the said and for that purpose that all proper directions may be given and accounts taken.

Note.—*This Form may be varied, according to the circumstances of the case, where the legacy is an annuity, or specific, or where the plaintiff is not the legatee, but has become entitled to or interested in the legacy; in which case the character in which the plaintiff claims is to be stated.*

3. By a Residuary Legatee or any of several Residuary Legatees, of any deceased person, seeking an account of the residue, and payment or appropriation of his share therein.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that he is the residuary legatee [*or one of the residuary legatees*] under the will dated the day of of late of who died on the day of and that the above-named defendant C. D. is the executor of the said and that the said C. D. hath not paid to the said A. B. the [*or his share of the*] residuary personal estate of the said testator; the said A. B. therefore claims to have the personal estate of the said administered in this Court, and to have his costs of this suit, and for that purpose that all proper directions may be given and accounts taken.

Note.—*This form may be varied, according to the circumstances of the case, where the plaintiff is not the residuary legatee, but has become entitled to or interested in the residue; in which case the character in which he claims is to be stated.*

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4 By the Person, or any of the Persons, entitled to the personal estate of any person who may have died intestate, and seeking an account of such personal estate and payment of his share thereof.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that he is the next of kin [*or one of*

the next of kin], according to the statutes for the distribution of the personal estate of intestates, of late of who died on the day of intestate; and that the said A. B. is entitled to [*or to a share of*] the personal estate of the said deceased, and that the said defendant C. D. is the administrator of the personal estate of the said and that the said C. D. has not accounted for or paid to the said A. B. the [*or the said A. B.'s share of the*] personal estate of the said intestate. The said A. B. therefore claims to have the personal estate of the said administered in this Court, and to have his costs of this suit; and for that purpose that all proper directions may be given and accounts taken.

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5. By the Executor or Administrator of a deceased person, claiming to have the personal estate of the testator administered under the direction of the Court.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B. of . The said A. B. states, that he is the executor [*or administrator*] of E. F., late of but now deceased, who departed this life on or about and that he hath possessed the personal estate of the said E. F. to some amount, and that he is willing and desirous to account for the same, and that the whole of the personal estate of the said E. F. should be duly administered in this Court for the benefit of all persons interested therein or entitled thereto; and that C. D. is interested in the said personal estate as one of the next of kin [*or residuary legatee*] of the said E. F., and the said A. B. claims to have the personal estate of the said E. F. applied in a due course of administration under the direction of this Court, and in the

This form may be varied according to circumstances when the plain

presence of the said C. D. and such other persons interested in the said estate as this Court may be pleased to direct, or that the said C. D. may show good cause to the contrary: And that the costs of this suit may be provided for; and for these purposes, that all proper directions may be given and accounts taken.

tiffs' co-executor or co-administrator is a defendant.

6. By a legal or equitable mortgagee, or person entitled to a lien as security for a debt, seeking foreclosure or sale, or otherwise to enforce his security.

In the Chancery of the County Palatine of Lancaster.

Between A.B., Plaintiff,

C.D., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that under or by virtue of an indenture [*or other document*], dated the day of , and made between [*parties*], [*and a transfer thereof made by indenture dated the day of , and made between* [*parties*], the said A.B. is a mortgagee [*or an equitable mortgagee*] of [*or is entitled to a lien upon*] certain freehold property [*or copyhold, or leasehold, or other property, as the case may be*], therein comprised, for securing the sum of pounds and interest, and that the time for payment thereof has elapsed; and that the above-named C. D. is entitled to the equity of redemption of the said mortgaged premises [*or the premises subject to such lien*], and the said A. B. therefore claims to be paid the said sum of pounds and interest, and the costs of this suit, and in default thereof he claims to foreclose the equity of redemption of the said mortgaged premises [*or to have the said mortgaged premises sold, or to have the premises subject to such lien sold, as the case may be*], and the produce thereof applied in or towards payment of his said debt and costs, and for that purpose to have all proper directions given and accounts taken.

The names only of the parties are to be set out, not the substance or effect of the document.

If there is no written security to be referred to, the property is to be described generally.

7. By a person entitled to the redemption of any legal or equitable mortgage, or any lien, seeking to redeem the same.

In the Chancery of the County Palatine of Lancaster.

Between A.B., Plaintiff,

C.D., Defendant.

The claim of A. B. of the above-named Plaintiff. The said A. B. states, that under or by virtue of an indenture [*or other document*], dated the day of and made between [*parties*], [*and the assurances hereinafter mentioned, that is to say, an indenture dated the day of the will of dated the day of*], the said A. B. is entitled to the equity of redemption of certain freehold property [*or copyhold, or leasehold, or other property, as the case may be*] therein comprised, which was originally mortgaged [*or pledged*] for securing the sum of pounds and interest; and that the above-named defendant C. D. is now, by virtue of the said indenture, dated the day of [*and of subsequent assurances*], the mortgagee of the said property [*or holder of the said lien*], and entitled to the principal money and interest remaining due upon the said mortgage [*or lien*]; and he believes that the amount of principal money and interest now due upon the said mortgage [*or lien*] is the sum of pounds, or thereabouts; and that the said A. B. hath made or caused to be made an application to the said C. D. to receive the said sum of pounds, and any costs justly payable to him, and to re-convey to the said A. B. the said mortgaged property [*or property subject to the said lien*], upon payment thereof, and of any costs due to him in respect of the said security, but that the said C. D. has not so done; and therefore the said A. B. claims to be entitled to redeem the said mortgaged property [*or property subject to the said lien*], and to have the same re-conveyed [*or delivered up*] to him, upon payment of the principal money and interest and

costs due and owing upon the said mortgage [*or lien*], and for that purpose to have all proper directions given and accounts taken.

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8. By a person entitled to the specific performance of an agreement for the sale or purchase of any property, seeking such specific performance.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B., of . . the above-named plaintiff. The said A. B. states, that by an agreement dated the day of and signed by the above-named defendant C. D., he, the said C. D., contracted to buy of him [*or to sell to him*] certain freehold property [*or copyhold, leasehold, or other property, as the case may be,*] therein described or referred to, for the sum of pounds; and that he has made or caused to be made an application to the said C. D. specifically to perform the said agreement on his part, but that he has not done so, and the said A. B. therefore claims to be entitled to a specific performance of the said agreement, and to have his costs of this suit; and for that purpose to have all proper directions given. And he hereby offers specifically to perform the same on his part.

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9. By a person entitled to an account of the dealings and transactions of a partnership dissolved or expired, seeking such account.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B., of the above-named plaintiff. The said A. B. states, that from the day of down to the day of he and the above-named said C. D. carried on the business of in co-partnership, under certain articles of co-partnership, dated the day of and made between [*parties*], [*or without articles, as the case may be*]: and he saith that the said partnership was dissolved [*or expired, as the case may be*], on the day of and he claims an account of the partnership dealings and transactions between him and the said C. D., and to have the affairs and business of the said partnership wound up and settled under the direction of this Court, and for that purpose that all proper directions may be given and accounts taken.

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10. By a person entitled to an equitable estate or interest, and claiming to use the name of his trustee in prosecuting an action for his sole benefit.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B., of the above-named plaintiff. The said A. B. states, that under an indenture dated the day of , and made between [*parties*], he is entitled to an equitable estate or interest in certain property therein described or referred to, and that the above-named

defendant is a trustee for him of such property, and that being desirous to prosecute an action at law against

in respect of such property, he has made or caused to be made an application to the said defendant to allow him to bring such action in his name, and has offered to indemnify him against the costs of such action, but that the said defendant has refused or neglected to allow his name to be used for that purpose; and the said A. B. therefore claims to be allowed to prosecute the said action in the name of the said defendant, and hereby offers to indemnify him against the costs of such action.

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11. By a person entitled to have a new trustee appointed in a case when there is no power in the instrument creating the trust to appoint new trustees, or when the power cannot be exercised, and seeking to appoint a new trustee.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff.

C. D., Defendant.

The claim of A. B. of the above-named plaintiff. The said A. B. states, that under an indenture dated the day of and made between [*parties*] [*or will of or other document, as the case may be*], he the said A. B. is interested in certain trust property therein mentioned or referred to, and that the above-named defendant C. D. is the present trustee of such property [*or is the real or personal representative of the last surviving trustee of such property, as the case may be*]; and that there is no power in the said indenture [*or will or other document*] to appoint new trustees [*or that the power in the said indenture* [*or other document*] *to appoint new trustees cannot be executed*]; and the said A. B. therefore claims to have new trustees appointed of the said trust property in the place of [*or to act in conjunction with*] the said C. D.

12. By a party entitled to revive or to carry on a suit, and seeking to revive or carry on the suit.

In the Chancery of the County Palatine of Lancaster.

Between A. B., Plaintiff,

&

C. D., Defendant;

and

Between G. H., Plaintiff,

&

K. L., Defendant.

The claim of G. H. of the above-named plaintiff. The said G. H. states, that the said A. B. filed his claim in this suit on or about ; that on or about the said A. B. died [*or became bankrupt or insolvent*]; that the said suit, and all proceedings thereunder, have thereby become abated [*or defective*]; that the said G. H. has become and is the executor [*or administrator, or the assignee of the estate and effects*] of the said A. B., and he claims to be entitled to revive the said suit and proceedings [*or to be entitled to carry on the said suit and proceedings*], and to have all such relief as the said A. B. would have been entitled to if he had lived [*or had not become bankrupt or insolvent*]; or that the said C. D. ought to show good cause to the contrary.

Note.—*This Form may be applied to any case to which Order* XXI. *applies, and may be varied according to the circumstances of each case.*

SCHEDULE (B.) (No 1.)

Form of Writ of Summons on Claim.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to C. D. greeting: Whereas A. B. hath caused to be filed with the Registrar of Our Court of Chancery of the County Palatine of Lancaster, a claim as follows [*claim to be set forth verbatim*]; therefore We command you [*and every of you where there is more than one defendant*], that within eight days after the service of this writ on you, exclusive of the day of such service, laying all excuses and other matters aside, you do cause an appearance to this writ to be entered for you with the Registrar of Our said Court of Chancery; and at the same time file with the Registrar an undertaking to show cause, if you can, why the said A. B. should not have such relief against you as is claimed by the said claim, or why such order as shall be just with reference to the claim should not be made; and hereof fail not at your peril. Witness Ourself at Lancaster the day of in the year of Our reign.

[*The following Memorandum to be placed at the foot.*]

Appearance to be entered at the Registrar's Office in [*stating place where*]; and if you neglect to enter your appearance or to file such undertaking within the time above mentioned you will be subject to such order as the Court may think fit to make against you in your absence for payment or satisfaction of the said claim, or as the nature and circumstances of the case may require.

SCHEDULE (B.) (No. 2.)

Victoria, &c., to , greeting.

Whereas A. B. hath caused to be filed a claim against (D.), claiming, &c. [*set forth only the claim, without the introductory statement*]. And whereas by an order made in the said cause dated the day of it was ordered

And whereas the Registrar of Our Court of Chancery of Our County Palatine of Lancaster hath, by his certificate dated the day of certified to Us, that you ought to be a party to the said cause, and to be served with a writ of summons therein; therefore We command you that within eight days after service of this writ on you, exclusive of the day of such service, you do cause an appearance to be entered for you in our said Court of Chancery, and that you do attend the proceedings in the said cause as a party defendant thereto, and do and observe such things as are by Our said Court ordered and directed in the said cause; and herein fail not. Witness, &c.

[*The following Memorandum to be placed at the foot.*]

Appearance to be entered at the Registrar's Office [*here state the place*]; and if you neglect to appear, the proceedings will be carried on without further notice to you.

SCHEDULE (B.) (No. 3.)

Victoria, &c., to , greeting.

Whereas A. B. hath caused to be filed a claim against C. D., claiming, &c. [*set forth the claim verbatim.*]

And whereas the said A. B. hath departed this life [*or become bankrupt*] [*or as the case may be*] whereby the said suit hath become abated [*or defective*], and G. H. is now the legal personal

representative [*or assignee*] of the said A. B., and as such claims to be entitled to revive [*or carry on*] the said suit; therefore We command you, the said C. D., that within eight days after the service of this writ on you, exclusive of the day of such service, you do cause an appearance to be entered for you in Our Court of Chancery of our County Palatine of Lancaster, and do at the same time file an undertaking with the Registrar, to show good cause, if you can, why the suit, and all proceedings thereunder, should not be revived against you, and be in the same plight and condition as the same were in at the time of the said abatement thereof [*or why the suit and proceedings should not be carried on against you as claimed*]. Witness, &c.

[*The following Memorandum to be placed at the foot.*]

Appearance to be entered at the Registrar's Office [*state place*]; and if you neglect to appear or to file such undertaking as above mentioned, the suit will stand revived, or may be carried on, without further order.

SCHEDULE (B.) (No. 4.)

Form of Caveat against Revivor.

Between A. B., Plaintiff,
C. D., Defendant;
and
Between G. H., Plaintiff,
K. L., Defendant.

The said K. L. objects to the suit in the Plaintiff's claim mentioned being revived [*or carried on*] against him in the manner claimed by the Plaintiff.

SCHEDULE (C.)

1. *Form of Order for Payment of a Debt or Legacy.*

In the Chancery of the County Palatine of Lancaster.

Date

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion this day made unto this Court by Mr. of counsel for the plaintiff, and upon hearing Mr. of counsel for the defendant [*or upon reading a certificate of an appearance having been entered by the defendant*], [*or upon hearing an affidavit of service upon the defendant of the writ of summons issued in this cause*], and upon reading the claim filed in this cause on the day of [*and an affidavit of filed in this cause*], [*or the defendant by his counsel admitting assets of the testator or intestate in the said claim named*], this Court doth order that the defendant do, within a month after service upon him of this order, pay to the plaintiff the sum of £ together with interest thereon, at the rate of £ per cent. per annum, from the day of to the time of such payment, together with the costs of this suit, to be taxed by the Registrar.

2 *Form of Order on Executor or Administrator to account, on Claim by a Creditor of Testator or Intestate.*

In the Chancery of the County Palatine of Lancaster.

Date

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth declare that all persons who are creditors of the said testator or intes-

tate are entitled to the benefit of this order, and it is ordered that it be referred to the Registrar to take an account of what is due to the plaintiff, and all other the creditors of deceased, the testator [*or intestate*] in the plaintiff's claim named, and of his funeral expenses: And it is ordered, that the Registrar do take an account of the personal estate of the said testator [*or intestate*] come to the hands of the said defendant, his executor [*or administrator*], or to the hands of any other person or persons by his order or for his use: And it is ordered, that the said testator's [*or intestate's*] personal estate be applied in payment of his debts and funeral expenses in a due course of administration; And this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the Registrar shall have made his report.

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3. *Form of Order to account on Claim by a Legatee.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., a legatee of deceased - - - } Plaintiff.

C. D. - - - - Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth declare, that all persons who are legatees of the said testator are entitled to the benefit of this order: And it is ordered, that it be referred to the Registrar to take an account of the personal estate not specifically bequeathed of deceased, the testator in the plaintiff's claim named, come to the hands of the defendant, or to the hands of any other person or persons by his order or for his use: And it is ordered, that the Registrar do take an account of the said testator's debts, funeral expenses, and of the legacies given by his will: And it is ordered, that the said testator's said personal estate be applied in payment of his

funeral expenses and debts in a due course of administration, and then in payment of his legacies: And this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the Registrar shall have made his report.

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4. *Form of Order to account, on claim by a Residuary Legatee, or one of several Residuary Legatees.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., a residuary legatee of deceased } Plaintiff.

C. D. - - - - Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth declare, that all the residuary legatees named or described in the will of deceased, the testator named in the plaintiff's claim, are entitled to the benefit of this order, and to attend the proceedings under the same before the Registrar; And it is referred to the Registrar to inquire and state to the Court who were the residuary legatees of the testator living at the time of his death, and whether any of them are since dead, and if dead, who is or are their legal personal representative or representatives; And if the Registrar shall find that all such residuary legatees, or their legal personal representatives, have been duly served with writs of summons, he is to proceed to take an account, &c. [*as in No.* 3, *to the end*].

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5. *Form of Order to account on Claim by the next of kin, or one of the next of kin, of an Intestate.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth declare, that all the next of kin, according to the statutes of distribution, of the intestate named in the plaintiff's claim, are entitled to the benefit of this order, and to attend the proceedings before the Registrar under the same; And it is referred to the Registrar to inquire and state to the Court who were the next of kin, according to the statutes of distribution, of the said living at the time of his decease, and whether any of them are since dead, and if dead, who is or are their legal personal representative or representatives; And if the Registrar shall find that such next of kin have been duly served with writs of summons to attend the proceedings before him under this order, then it is ordered that it be referred to the Registrar to take an account of the said intestate's personal estate [*usual accounts of personal estate, debts, and funeral expenses, &c., as in Form No.* 3].

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6. *Form of Order for Account of Personal Estate of a Deceased Person on the Claim of the Executor or Administrator.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth declare, that all persons interested in the personal estate of the said testator [*or intestate*] are entitled to the benefit of this order;

And it is ordered, that it be referred to the Registrar to take an account of the testator's [*or intestate's*] personal estate possessed by the plaintiff or by any other person by his order or for his use, and also to take an account of the testator's [*or intestate's*] funeral expenses, debts and legacies; And it is ordered, that such personal estate be applied in a due course of administration in payment of such funeral expenses, debts and legacies; And any further directions which may be necessary are hereby reserved, &c.

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7. *Form of Order of Foreclosure on Claim by a Legal or Equitable Mortgagee.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.

C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that it be referred to the Registrar to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or equitable mortgage*] in the plaintiff's claim mentioned and to tax the plaintiff his costs of this suit: And upon the defendant paying to the plaintiff what shall be reported due to him for principal and interest as aforesaid, together with the said costs when taxed within six months after the Registrar shall have made his report, at such time and place as the said Registrar shall appoint, it is ordered, that the plaintiff [*do re-convey the mortgaged premises in the plaintiff's affidavit of claim mentioned, free and clear of all incumbrances done by him, or any claiming by, from or under him, and*] do deliver up all deeds and writings in his custody or power relating thereto, upon oath, to the said defendant, or to whom he shall appoint; But in default of the defendant paying unto the plaintiff such principal, interest, and costs as aforesaid by the time aforesaid, it is ordered, that the

defendant [*do stand absolutely debarred and foreclosed of and from all equity of redemption of, in and to the said mortgaged premises*] do convey to the plaintiff the premises comprised in the equitable mortgage in the plaintiff's affidavit of claim mentioned, free and clear of all right, title, interest and equity of redemption of, in and to the said premises; And the Registrar is to settle the conveyance if the parties differ about the same.

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8. *Form of Order of Sale on Claim by Legal or Equitable Mortgagee or Person entitled to a Lien.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.

C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that it be referred to the Registrar to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or equitable mortgage or lien*] in the plaintiff's claim mentioned, and to tax the plaintiff his costs of this suit: And upon the defendant paying to the plaintiff what shall be reported due to him for principal and interest as aforesaid, together with the said costs, within six months after the Registrar shall have made his report, at such time and place as he shall appoint, it is ordered that the plaintiff [*do re-convey the mortgaged premises in the plaintiff's affidavit of claim mentioned, free and clear of all incumbrances done by him, or any claiming by, from or under him, and*] do deliver up all deeds and writings in his custody or power relating thereto, upon oath, to the defendant, or to whom he shall appoint; But in default of the defendant paying to the plaintiff such principal, interest, and costs as aforesaid, by the time aforesaid, then it is ordered, that the said mortgaged premises [*or the premises subject to the said equitable mortgage or*

lien] be sold, with the approbation of the Registrar: And it is ordered, that the money to arise by such sale to be paid into Court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest, and costs as aforesaid; And this Court doth reserve the consideration of all further directions until after the Registrar shall have made his report.

9. *Form of an Order for Redemption on Claim by Person entitled to redeem.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.

C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that it be referred to the Registrar to take an account of what is due to the defendant for principal and interest on his mortgage [*or equitable mortgage or lien*] in the plaintiff's claim mentioned, and to tax the defendant his costs of this suit: And upon the plaintiff paying to the defendant what shall be reported due to him for principal and interest, together with such costs, when taxed, within six months after the Registrar shall have made his report, at such time and place as he shall appoint, this Court doth order, that the defendant do re-convey the mortgaged premises [*or deliver up possession of the property, subject to the equitable mortgage or lien*] in the plaintiff's claim mentioned, free and clear from all incumbrances done by him, or any claiming by, from or under him, and do deliver up all deeds and writings in his custody or power relating thereto, upon oath, to the plaintiff, or to whom he shall appoint; But in default thereof the plaintiff's said claim is to stand dismissed out of this Court, with costs, to be taxed by the Registrar, and to be paid by the plaintiff to the defendant.

10. *Form of Order of Reference of Title on Claim by Person seeking Specific Performance.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order that it be referred to the Registrar to inquire whether a good title can be made to the property comprised in the agreement in the said plaintiff's claim mentioned; And in case the Registrar shall be of opinion that a good title can be made, it is ordered, that he do state at what time it was first shown that such good title could be made; And this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the Registrar shall have made his report.

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11. *Form of Order for an Account of Partnership Dealings and Transactions on Claim of Person entitled to the Account.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that it be referred to the Registrar to take an account of the partnership dealings and transactions between the plaintiff and the defendant from the day of : And it is ordered, that what upon taking the said account shall be found due from either of the said parties to the other of them be paid by the party from whom to the party to whom the same shall be found due; [and this Court doth reserve the consideration of all further directions, and of the costs of this suit until after the Registrar shall have made his report.]

12. *Form of an Order on Claim by a Person claiming to use the Name of his Trustee.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.

C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that the plaintiff be at liberty to use the name of the defendant in prosecuting the action at law in the plaintiff's claim mentioned, on indemnifying the defendant against the costs of such action: And it is ordered, that it be referred to the Registrar to settle the indemnity to be given by the plaintiff to the defendant, in case the parties differ about the same.

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13. *Form of Order on Claim for the Appointment of new Trustees.*

In the Chancery of the County Palatine of Lancaster.

Date.

Between A. B., Plaintiff.

C. D., Defendant.

Upon motion, &c. [*as in Form No.* 1], this Court doth order, that it be referred to the Registrar to appoint proper persons to be new trustees under the indenture [*or will or other instrument*] in the plaintiff's claim mentioned, in the place of [*or to act in conjunction with*] the defendant: And it is ordered, that the defendant do convey [*assign or transfer*] the trust fund or property [*referring to it*] to such new trustees [*or so as to vest the same in such new trustees jointly with himself*], upon the trusts of the said indenture [*or will or other document*] or such of them as are now subsisting and capable of taking effect, and they are to declare the trust thereof accordingly, such conveyance [*or assignment*] to be settled by the Registrar, in case the parties differ about the same: [*And it is ordered, that the defendant do deliver over to such new trustees all deeds and writings in his custody or power relating to the said trust property.*]

To be omitted in the case of infants or charities.

To be omitted where the defendant is continued a trustee

SCHEDULE (D.)

Forms of Subpœna.

1. To appear and answer, or to appear only, when the writ is to be served on a defendant [*or defendants*] within the jurisdiction.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To greeting.

We command you [*and every of you, where more than one defendant*], that within four days after the service of this writ on you, exclusive of the day of such service, laying all other matters and excuses aside, you do cause an appearance to be entered for you in Our Court of Chancery of Our County Palatine of Lancaster, to a bill [*or, as the case may be, an information, or amended bill, or information, bill of revivor, bill of revivor and supplement, or supplemental bill*] filed against you by [*and others, or another*], and that you do answer concerning such things as shall then and there be alleged against you, and observe what Our said Court shall direct in this behalf, upon pain of an attachment issuing against your person, and such other process of contempt as Our said Court shall award.

Witness Ourself at Lancaster the day of in the year of Our reign.

[*The following Memorandum to be placed at the foot.*]

Appearances are to be entered at the Registrar's Office at [*here state the place*], and if you do not cause your appearance to be entered within the time limited by the above writ, the plaintiff will be at liberty to enter an appearance for you at your

expense, and you will be subject to an attachment against your person, and such other process as the Court shall award, and to such order or decree being made against you as the Court shall think just, upon the plaintiff's own showing.

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2. To appear and answer when the writ is by leave of the Court to be served on a defendant [*or defendants*] out of the jurisdiction.

Victoria, &c.

To, &c.

We command you [*and every of you, where more than one defendant*], that within [*insert the time directed by the order giving leave to serve the writ out of the jurisdiction*] after the service of this writ on you, exclusive of the day of such service, laying all other matters and excuses aside, you do cause an appearance to be entered for you in our Court of Chancery of Our County Palatine of Lancaster to a bill [*or, as the case may be, &c.*] filed against you by [*and others, or another,*] and that within [*insert the time directed by the same order*] you do put in your answer to the same bill [*or, as the case may be, &c.*] and that you do answer concerning such things as shall then and there be alleged against you, and observe what Our said Court shall direct in this behalf, upon pain of such process as Our said Court shall award.

Witness, &c.

[*The following Memorandum to be placed at the foot.*]

Appearances are to be entered at the Registrar's Office at [*here state the place*], and if you do not cause your appearance to be entered within the time limited by the above writ, the plaintiff will be at liberty to enter an appearance for you at your expense.

and if you do not plead, answer or demur to the bill, &c. within the time limited by the above writ, you will be subject to such process as the Court shall award, and to such order or decree being made against you as the Court shall think just, upon the plaintiff's own showing.

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3. Subpœna to appear, when the writ is by leave of the Court to be served on a defendant [*or defendants*] out of the jurisdiction.

Victoria, &c.

To, &c.

We command you [*and every of you, where more than one defendant*], that within [*insert the time directed by the order giving leave to serve the writ out of the jurisdiction*] after the service of this writ on you, exclusive of the day of such service, laying all other matters and excuses aside, you do cause an appearance to be entered for you in Our Court of Chancery of Our County Palatine of Lancaster to a bill [*or, as the case may be, &c.*], filed against you by [*and others, or another*], and that you do answer concerning such things as shall then and there be alleged against you, and observe what Our said Court shall direct in this behalf, upon pain of such process as Our said Court shall award.

Witness, &c.

[*The following Memorandum to be placed at the foot.*]

Appearances are to be entered at the Registrar's Office at [*here state the place*], and if you do not cause your appearance to be entered within the time limited by the above writ, the plaintiff will be at liberty to enter an appearance for you at your expense, and you will be subject to such process as the Court shall award, and to such order or decree being made against you as the Court shall think just, upon the plaintiff's own showing.

4. Subpœna to hear Judgment.

Victoria, &c.

To greeting.

We command you [*and every of you*] that you appear before Our Vice-Chancellor of our County Palatine of Lancaster on the day of next, or whenever thereafter a certain cause now depending in our Court of Chancery of our said County Palatine, wherein A. B. [*and others, or another, are or*] is plaintiff [*or plaintiffs*], and C. D. [*and others, or another, are or*] is defendant [*or defendants*], shall come on for hearing, then or thereafter to receive and abide by such judgment and decree as shall then or thereafter be made and pronounced, upon pain of judgment being pronounced against you by default.

Witness, &c.

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5. Subpœna for Costs.

Victoria, &c.

To greeting.

We command you [*and every of you*] that you pay or cause to be paid, immediately after the service of this writ, to or the bearer of these presents, £ costs, [*in a cause wherein* A. B. [*and others, or another, are or*] *is plaintiff* [*or plaintiffs*], *and* C. D. [*and others, or another, are or*] *is defendant* [*or defendants*], *or in the matter of as the case may be*], by Our Court of Chancery of Our County Palatine of Lancaster, adjudged to be paid by you, the said under pain of an attachment issuing against your person, and such process for contempt as the Court shall award in default of such payment.

Witness, &c.

6.—Subpœna to testify *vivâ voce* in Court, or to testify before the Registrar.

Victoria, &c.

To greeting.

We command you [*and every of you*] that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before Our Vice-Chancellor of Our County Palatine of Lancaster [*or before* , *Esquire, the Registrar* [*or Deputy Registrar*] *of Our Court of Chancery of Our said County Palatine*], at in in the said County Palatine, on the day of at o'clock in the noon, to testify the truth according to your knowledge in a certain suit now pending in Our said Court of Chancery, wherein A. B. [*and others, or another, are or*] is plaintiff [*or plaintiffs*], and C. D. [*and others, or another, are or*] is defendant [*or defendants*], on the part of the [*in case of subpœna duces tecum, add, and that you then and there bring with you and produce, &c.*] And hereof fail not at your peril.

Witness, &c.

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7. Subpœna *ad test.* and Subpœna *duces tecum.*

Victoria, &c.

To greeting.

We command you [*and every of you*] that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before Esquire, the Registrar [*or Deputy Registrar*] of Our Court of Chancery of Our County Palatine of Lancaster, at such time and place as the bearer hereof shall by notice in writing appoint [*or before* E. F. *or* G. H., *Commissioners appointed for the examination of witnesses in Our said Court, at such times and places as the bearer hereof shall by notice*

in writing appoint], to testify the truth according to your knowledge in a certain cause depending in Our said Court of Chancery, wherein A. B. [*and others, or another, are or*] is plaintiff [*or plaintiffs*], and C. D. [*and others, or another, are or*] is defendant [*or defendants*] on the part of the [*in case of subpœna duces tecum, add, and that you then and there bring with you and produce, &c.*] And hereof fail not at your peril.

Witness, &c.

(Signed) CARLISLE.
WILLIAM PAGE WOOD.
J. L. KNIGHT BRUCE.

GENERAL RULES AND ORDERS.

GENERAL ORDER, 6TH AUGUST, 1851.

I DO order that every petition hereafter presented to the Court shall be answered by the Registrar, who shall write thereon, that all parties concerned in the matter of the petition do attend the next sitting of the Court, and that a copy of such petition and answer shall thereupon be served upon all proper parties, and that previous to the setting down of such petition for hearing, the petition, with an affidavit of service, be filed with the Registrar.

And I do further order that all orders of course be drawn up by the Registrar, on a motion of a solicitor of the Court.

W. P. WOOD,
Vice-Chancellor of Lancaster.

Dated 6th August, 1851.

So much of the above order as requires the petition and affidavit of service to be filed before the petition is set down, has been discharged by Order 36 of 1855.

GENERAL RULES AND ORDERS.

ORDERS OF COURT, 1853.

THE Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Esq., Vice-Chancellor of the said County Palatine, and of the Honourable Sir William Page Wood, Knight, one of the Vice-Chancellors of the High Court of Chancery, named for this purpose, by writing under the hand of the Right Honourable Robert Monsey Baron Cranworth, Lord High Chancellor of Great Britain, doth hereby, in pursuance and execution of the powers and authorities in this behalf given to him by an Act of Parliament passed in the session of Parliament held in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," and in pursuance and execution of all other powers and authorities enabling him in this behalf, order and direct, that all and every the rules, orders, and regulations hereinafter set forth, shall henceforth be and become rules, orders, and regulations of the Court of Chancery of the County Palatine of Lancaster (that is to say):—

Authority required for Instituting Suits.

I. Before the name of any person shall be used in any suit to be instituted in the Court as next friend of any infant, married woman, or other party, or as relator in any information, such person shall sign a written authority to the solicitor for that purpose, and such authority shall be filed with the bill, information, or claim.

Form of Bill.

II. Every bill of complaint to be filed in the Court, shall contain as concisely as may be a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph containing, as nearly as may be, a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief; but such bill of complaint shall not contain any interrogatories for the examination of the defendant.

III. Bills may be in a form similar to the form set out in Schedule (A) to these Orders, with such variations as the nature and circumstances of each particular case may require.

Filing of Bills and Claims—Printed, Lithographed, or Written Bills and Claims authorised.

IV. The practice of engrossing on parchment bills of complaint or claims to be filed in the Court, and of filing such engrossment, shall be discontinued; and the Registrar shall receive and file a printed, lithographed, or written bill of complaint or claim, in lieu of an engrossment thereof, in like manner as he now receives and files such engrossment.

V. Bill or claims shall be, at the option of the plaintiffs, either printed, lithographed, or written on writing paper, quarto, or in the form commonly used for briefs, and the copy filed shall be interleaved with paper of the same description. All printed bills or claims shall be in pica type, leaded.

Writs of Subpœna and Summons abolished.

VI. The writ of subpœna to appear to and answer a bill of complaint in the Court, and the writ of summons upon a claim shall respectively be abolished.

Service of Bills and Claims instead.

VII. In lieu of serving the defendant to a bill of complaint in the Court with a writ of subpœna to appear to and answer the same, and in lieu of serving the defendant to a claim in the Court, with a writ of summons upon such claim, in the mode and according to the practice now adopted in the Court with reference to such writs respectively, the defendant shall be served with a printed, lithographed, or written bill of complaint or claim, with an indorsement thereon, in the form or to the effect set out in the Schedule (B) to these orders, with such variations as circumstances may require, such printed, lithographed, or written bill of complaint or claim so to be served, being previously stamped with a proper stamp by the Registrar, indicating the filing of such bill of complaint or claim, and the date of the filing thereof.

VIII. The filing of a printed, lithographed, or written bill of complaint or claim in the Court shall have the same effect as the filing of a bill of complaint or claim in the Court, and the issuing of a subpœna or writ of summons thereon respectively, now have, and the service upon the defendant of a printed, lithographed, or written bill of complaint or of a claim so filed,

with such indorsement thereon, so stamped as aforesaid, shall have the same effect as the service on him of a writ of subpœna or writ of summons respectively now has, and shall entitle the plaintiff in such suit to such remedies for default of appearance and otherwise as he is now entitled to in case of due and proper service of a subpœna to appear to and answer a bill of complaint or of a writ of summons upon a claim.

IX. The service upon any defendant of a printed, lithographed, or written copy of a bill of complaint or of a claim in the Court shall be effected in the same manner as service of a writ of subpœna to appear to and answer a bill of complaint is now effected, save only that it shall not be necessary to produce the original bill or claim, which will be on the files of the Court; provided that the Court shall be at liberty to direct substituted service of such printed, lithographed, or written bill or claim, in such manner and in such cases as it shall think fit.

Right of Defendant to Copies of printed or lithographed Bills or Claims.

X. In all cases in which a plaintiff shall have filed a printed or lithographed bill of complaint or claim, he shall be bound to deliver to the defendant or his solicitor, upon application for the same, such a number of printed or lithographed copies of the bill or claim, not exceeding ten, as such defendant shall have occasion for, upon being paid for the same at such rate as shall be prescribed by any general order of the Chancellor in that behalf.

Amendments of Bills and Claims.

XI. Upon the amending of any bill of complaint or claim to be filed in the Court after these orders shall take effect, the provisions hereinbefore contained with respect to filing, serving,

and delivering printed, lithographed, or written copies thereof, shall, so far as may be, extend and be applicable to the bill or claim as amended, except only in the matters hereinafter specially provided for.

XII. Where, according to the present practice of the Court, an amendment of a bill or claim may be made without a new engrossment thereof, a bill or claim may be amended by written alterations in the printed, lithographed, or written bill of complaint or claim so to be filed, and by additions on the paper to be interleaved therewith, according to the directions of Order V.

XIII. The practice of amending a defendant's copy of the bill shall, with respect to the amendment of bills filed after these orders come into operation, be abolished.

XIV. A copy of an amended bill or claim, whether amended by re-printing, re-lithographing, or re-writing the same, or by such alterations and additions as mentioned in Order XII., is to be served upon the defendant or his solicitor; and such copy may be partly printed or lithographed, and partly written, if the amendment is not made by a re-print or re-lithograph; but in every case the copy to be served is to be stamped with the proper stamp by the Registrar, indicating the filing of such amended bill or claim, and the date of the filing thereof.

XV. In all cases where, according to the present practice of the Court, a subpœna to appear to and to answer an amended bill may be served upon the solicitor of a defendant, service upon the defendant's solicitor of a copy of an amended bill, whether wholly printed, lithographed, or written, or partly printed or lithographed, and partly written, shall be good service on the defendant.

XVI. Where a defendant has appeared in person to any bill, service at the address for service of such defendant of a copy of

an amended bill, whether wholly printed, lithographed, or written, or partly printed or lithographed, and partly written, shall be good service on the defendant.

Limitation of preceding Orders.

XVII. None of the preceding orders shall apply to bills or claims filed before these orders come into operation, though afterwards amended; and the existing practice of the Court is to continue in force, with reference to the amendment of such bills and claims.

XVIII. The existing practice of the Court with reference to issuing and serving writs of subpœna to appear to and answer bills and writs of summons on claims is also to continue in force with respect to bills and claims filed before these orders come into operation.

Plaintiff may file Interrogatories for examination of Defendant.

XIX. Within the time hereinafter in this behalf limited, the plaintiff in any suit commenced by bill may, if he requires an answer from any defendant thereto, file in the office of the Registrar interrogatories for the examinatian of the defendant or defendants, or such of them from whom he shall require an answer, and deliver to the defendant or defendants so required to answer, or to his or their solicitor, an office copy of such interrogatories, or of such of them as shall be applicable to the particular defendant or defendants; and no defendant shall be called upon or required to put in any answer to a bill unless interrogatories shall have been so filed, and such copy as aforesaid delivered to him or his solicitor, within the time so to be limited, or within such further time as the Court shall think fit to direct.

Form of Interrogatories.

XX. The interrogatories for the examination of the defendant to a bill may be in a form similar to the form set out in Schedule (C) to these orders, with such variations as the nature and circumstances of each particular case may require.

Filing and Service of Interrogatories.

XXI. In cases in which the plaintiff requires an answer to any bill from any defendant or defendants thereto, the interrogatories for the examination of such defendant or defendants are to be filed within eight days after the time limited for the appearance of such defendant or defendants.

XXII. If the defendant appear in person, or by his own solicitor, within the time limited for that purpose by the rules of the Court, the plaintiff is, within eight days after the time allowed for such appearance, to deliver to the defendant or defendants so required to answer, or to his or their solicitor or solicitors, an office copy of the interrogatories so filed, as aforesaid, or of such of them as the particular defendant or defendants shall be required to answer.

XXIII. If any defendant to a suit commenced by bill do not appear in person, or by his own solicitor, within the time allowed for that purpose by the rules of the Court, and the plaintiff has filed interrogatories for his examination, the plaintiff may deliver the copy of such interrogatories to the defendant, at any time after the time allowed to such defendant to appear and before his appearance in person or by his own solicitor; or the plaintiff may deliver the copy of such interrogatories to the defendant or his solicitor, after the appearance of such defen-

dant in person or by his own solicitor, but within eight days after such appearance.

Time allowed for answering Interrogatories.

XXIV. A defendant required to answer a bill must put in his plea, answer, or demurrer thereto, not demurring alone, within fourteen days from the delivery to him or his solicitor of a copy of the interrogatories which he is required to answer; but the Court shall have full power to enlarge the time from time to time upon application being made to the Court for the purpose.

Power of Court to extend time for filing Interrogatories.

XXV. After the time allowed by Order XXI. for filing interrogatories for the examination of any defendant, no interrogatories are to be filed for the examination of such defendant without special leave of the Court, to be applied for upon notice of motion.*

Defendant, although not required to answer, may plead, answer, or demur.

XXVI. Whether the plaintiff in any suit in the said Court commenced by bill does or does not require any answer from the defendant or any one or more of the defendants to the bill, such defendant or defendants may, without any leave of the Court, put in a plea, answer, or demurrer to the plaintiff's bill within the time now allowed to the defendant for demurring alone to a bill, or within such other time as shall be fixed by any general order of the Chancellor in that behalf; but after that time a defendant or defendants not required to answer the plaintiff's

* By the 6th order of 1855 the District Registrar has now the power of enlarging the time.

bill shall not be at liberty to put in a plea, answer, or demurrer to the bill, without leave of the Court: provided that the power of the Court to grant further time for pleading, answering, or demurring to any bill, upon the application of any defendant or defendants thereto, whether required to answer the bill or not, shall remain in full force, and shall not be in any wise prejudiced or effected; provided also, that if the Court shall grant any further time to any defendant for pleading, answering, or demurring to the bill, the plaintiff's right to move for a decree under the provisions hereinafter contained shall in the meantime be suspended.

XXVII. The answer of the defendant to any bill of complaint in the said Court may contain not only the answer of the defendant to the interrogatories so filed as aforesaid, but such statements material to the case as the defendant may think it necessary or advisable to set forth therein, and such answer shall also be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be a separate and distinct statement or allegation.

Form of Answer.

XXVIII. Answers may be in a form similar to the form set out in Schedule (D) to these orders with such variations as the nature and circumstances of each particular case may require.

Motion for Decree or Decretal Order.

XXIX. The plaintiff in any suit commenced by bill shall be at liberty, at any time after the time allowed to the defendant for answering the same shall have expired (but before replication), to move the Court, upon giving one month's previous notice to the defendant for such decree or decretal order as he may think himself entitled to; and the plaintiff and defendant

respectively shall be at liberty to file affidavits in support of and in opposition to the motion so to be made, and to use the same on the hearing of such motion; and if such motion shall be made after an answer filed in the cause, the answer shall, for the purposes of the motion, be treated as an affidavit.

Order on Motion.

XXX. Upon any such motion for a decree or decretal order, it shall be discretionary with the Court to grant or refuse the motion, or to make an order giving such directions for or with respect to the further prosecution of the suit as the circumstances of the case may require, and to make such order as to costs as it may think right.

Evidence on Motion.

XXXI. The affidavits to be used in support of such motion are to be filed before the service of such notice, and a list of such affidavits is to be set forth at the foot of such notice.

XXXII. The defendant, within fourteen days after service of such notice, is to file his affidavits in answer, and to furnish the plaintiff or his solicitor with a list thereof.

XXXIII. Within seven days after the expiration of such fourteen days the plaintiff is to file his affidavits in reply, which affidavits shall be confined to matters strictly in reply, and he is to furnish the defendant or his solicitor with a list thereof; and except so far as these affidavits are in reply, they are not to be regarded by the Court, unless upon the hearing of the motion the Court shall give leave to the defendant to answer them, and in that case the costs of such affidavits, and of the further affidavits consequent upon them, shall be paid by the plaintiff, unless the Court shall otherwise order.

XXXIV. No further evidence on either side is to be used upon such motion for a decree of decretal order, without leave of the Court.

Entry of Motions for Hearing.

XXXV. Every notice of motion for a decree of decretal order is to be entered with the Registrar, who is to make out a list of such motions, and the same are to be heard according to such list, unless the Court shall make order to the contrary.

Exceptions for Impertinence Abolished—Costs of Impertinent Matter.

XXXVI. The practice of excepting to bills, answers, and other proceedings in the Court, for Impertinence shall be abolished: Provided always, that it shall be lawful for the Court to direct the costs occasioned by any impertinent matter introduced into any proceeding in the Court to be paid by the party introducing the same, upon application being made to the Court for that purpose at the time when the Court disposes of the costs of the cause or matter, and not at any other time.

Court may order Production of Documents by Defendant.

XXXVII. It shall be lawful for the Court, upon the application of the plaintiff in any suit in the said Court, whether commenced by bill or by claim, and as to a suit commenced by bill, whether the defendant may or may not have been required to answer the bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant, upon oath, of such of the documents in his possession or power relating to matters in question in the suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Defendant may file Interrogatories for Examination of Plaintiff.

XXXVIII. It shall be lawful for any defendant in any suit, whether commenced by bill or by claim, but in suits commenced by bill which the defendant is required to answer, not until after he shall have put in a sufficient answer to the bill, and without filing any cross bill of discovery, to file in the office of the Registrar interrogatories for the examination of the plaintiff, to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor; and such plaintiff shall be bound to answer such interrogatories, in like manner as if the same had been contained in a bill of discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such bill of discovery had on the same day duly appeared; and the practice of the Court with reference to excepting to answers for insufficiency, or for scandal, shall extend and be applicable to answers put in to such interrogatories: Provided that, in determining the materiality or relevancy of any such answer, or of any exception thereto, the Court is to have regard, in suits commenced by bill, to the statements contained in the original bill, and in the answer which may have been put in thereto by the defendant exhibiting such interrogatories for the examination of the plaintiff, and in suits commenced by claim, to the statements therein, and in any affidavits which may have been filed either in support thereof or in opposition thereto: Provided also, that a defendant, if he shall think fit so to do, may exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

Court may order Production of Documents by Plaintiff.

XXXIX. It shall be lawful for the Court, upon the application of any defendant in any suit, whether commenced by bill or

by claim, but as to suits commenced by bill where the defendant is required to answer the plaintiff's bill, not until after he has put in a full and sufficient answer to the bill, unless the Court shall make any order to the contrary, to make an order for the production by the plaintiff in such suit, on oath, of such of the documents in his possession or power relating to the matters in question in the suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Mode of taking Answers within England and Wales.

XL. The practice of the said Court, of issuing commissions to take pleas, answers, disclaimers, and examinations in causes and matters pending in the Court shall, with respect to pleas, answers, disclaimers, and examinations taken within England and Wales, be abolished; and any such plea, answer, disclaimer, or examination may be sworn and filed without any further or other formality than is required in the swearing and filing of an affidavit.

Mode of taking Answers out of England and Wales.

XLI. All pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour in causes or matters depending in this Court shall and may be sworn and taken in Scotland or Ireland, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, before any judge, court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her Majesty's dominions; and the judges and other officers of this Court shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary

public, person, consul, or vice-consul in any such dominion of her Majesty in foreign parts, or in any such foreign parts out of her Majesty's dominions as aforesaid, attached, appended, or subscribed to any such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, acknowledgments, or other documents to be used in this Court.

Oath of Messenger Abolished.

XLII. Pleas, answers, disclaimers, or examinations, whether taken by commission out of the jurisdiction of the Court or otherwise, may be filed without the oath of a messenger, and any alterations made therein previously to the taking thereof shall be authenticated according to the practice now in use with respect to affidavits.

Issue Joined by Filing Replication.

XLIII. In suits in the Court commenced by bill, where notice of motion for a decree or decretal order shall not have been given, or, having been given, where a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication in the form or to the effect of the replication now in use in the said Court; and where a defendant shall not have been required to answer and shall not have answered the plaintiff's bill, he shall be considered to have traversed the case made by the bill; but issue is nevertheless to be joined by filing a replication in the form or to the effect of the replication now in issue.

Dismissal of Bill by Defendant for Non-prosecution.

XLIV. Where a defendant to a suit in the said Court commenced by bill shall not have been required to answer the bill, and shall not have answered the same, such defendant shall be

at liberty to move to dismiss the bill for want of prosecution, at any time after the expiration of three months from the time of his appearance, unless a motion for a decree or decretal order shall have been set down in the meantime, or the cause shall have been set down to be heard, and the Court may, upon such application, if it shall think fit, make an order dismissing the bill, or make such other order or impose such terms as may appear just and reasonable.

Mode of examining Witnesses.

XLV. The mode of examining witnesses in causes and matters in the said Court, and all the orders and practice of the Court in relation thereto, so far as such orders and practice shall be inconsistent or at variance with the mode hereinafter prescribed of examining such witnesses, and the practice in relation thereto, shall be abolished: Provided always, that the Court may, if it shall think fit, order any particular witness or witnesses within the jurisdiction of the said Court, or any witness or witnesses out of the jurisdiction of the said Court, to be examined upon interrogatories in the mode now practised in the said Court, and that with respect to such witness or witnesses the practice of the said Court in relation to the examination of witnesses shall continue in full force, save only so far as the same may be varied by any General Order of the Chancellor in that behalf, or by any Order of the Court with reference to any particular case.

XLVI. When any suit commenced by bill shall be at issue, the plaintiff shall, within seven days, give notice to the defendant that he desires that the evidence to be adduced in the cause shall be taken orally or upon affidavit, as the case may be; and if the plaintiff shall desire the evidence to be adduced, upon affidavit, and the defendant, or some or one of the defendants, if more than one, shall not, within fourteen days after the expiration of the said period of seven days, give notice to the plaintiff

or his solicitor, that he or they desire the evidence to be oral, the plaintiff and defendants respectively shall be at liberty to verify their respective cases by affidavit.*

XLVII. When any of the parties to any suit commenced by bill desires that the evidence should be adduced orally, and gives notice thereof to the opposite party as hereinbefore provided, the same shall be taken orally, in the manner hereinafter provided, that if the evidence be required to be oral merely by a party without a sufficient interest in the matters in question, the Court may, upon application in a summary way, make such order as shall be just.*

XLVIII. All witnesses to be examined orally, shall be so examined by or before the Registrar, or by or before Commissioners, under any commission to be issued by the Court for the examination of witnesses, the Registrar or Commissioners being furnished by the plaintiff with a copy of the bill, and of the answer, if any, in the cause; and such examination shall take place in the presence of the parties, their counsel, solicitors, or agents, and the witnesses so examined orally shall be subject to cross-examination and re-examination; and such examination, cross-examination, and re-examination shall be conducted as nearly as may be in the mode now in use in Courts of Common Law with respect to a witness about to go abroad, and not expected to be present at the trial of a cause.

XLIX. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the Registrar or Commissioners, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the parties, or such of them as may think fit to attend: Provided always,

* Orders 46 and 47 are now discharged by Orders 10 and 11 of 1855.

that in case the witness shall refuse to sign the said depositions, then the Registrar or Commissioners before whom his examination shall have taken place shall sign the same, and such Registrar or Commissioners may, upon all examinations, state any special matter to the Court, as he or they shall think fit: Provided also, that it shall be in the discretion of the Registrar or Commissioners before whom the examination shall take place, to put down any particular question or answer, if there shall appear any special reason for doing so; and any question or questions which may be objected to, shall be noticed or referred to by such Registrar or Commissioners in or upon the depositions, and he or they shall state his or their opinion thereon to the counsel, solicitors, or parties, and shall refer to such statement on the face of the depositions, but he shall not have power to decide upon the materiality or relevancy of any question or questions; and the Court shall have power to deal with the costs of immaterial or irrelevant depositions as may be just.

L. If any person produced before the Registrar or any such Commissioners as a witness, shall refuse to be sworn, or to answer any lawful question put to him by the Registrar or Commissioners, or by either of the parties, or by his or their counsel, solicitor, or agent, the same course shall be adopted with respect to such witness as is now pursued in the case of a witness produced for examination upon written interrogatories, and refusing to be sworn, or to answer some lawful question: Provided always, that if any witness shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the Registrar or Commissioners before whom the examination shall take place, and shall be deposited or transmitted by him or them, in or to the office of the said Registrar, to be there filed; and the validity of such demurrer or objection shall be decided by the Court; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the Court.

LI. When the examination of witnesses before the Registrar or before any such Commissioners shall have been concluded, the original depositions, authenticated by the signature of such Registrar or Commissioners, shall be deposited or transmitted by him or them in or to the office of the said Registrar, to be there filed, and any party to the suit may have a copy thereof or of any part or portion thereof upon payment for the same in such manner as shall be provided by any General Order of the Chancellor in that behalf.

LII. Notwithstanding that the plaintiff or the defendant in any suit in the said Court may have elected that the evidence in the cause should be taken orally, affidavits by particular witnesses, or affidavits as to particular facts or circumstances, may, by consent, or by leave of the Court obtained upon notice, be used on the hearing of any cause; and such consent, with the approbation of the Court, may be given by or on the part of married women or infants or other persons under disability.*

Affidavits to be divided into Paragraphs.

LIII. Every affidavit to be used in the said Court shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.

Time for closing the Evidence.

LIV. The evidence on both sides in any suit in the said Court, whether taken orally or upon affidavit, shall be closed within the respective times hereinafter mentioned, but with power to the Court to enlarge the same as it may see fit; and after the time fixed for closing the evidence, no further evidence,

* Order 52 is superseded by Orders 10 and 11 of 1855.

whether oral or by affidavit, shall be receivable, without special leave of the Court previously obtained for that purpose: Provided always, that any witness who has made an affidavit, filed by any party to a cause, shall be subject to oral cross-examination within the time hereinafter mentioned, by or before the Registrar or any Commissioners for the examination of witnesses as aforesaid, in the same manner as if the evidence given by him in his affidavit had been given by him orally before the Registrar or Commissioners, and after such cross-examination may be re-examined orally by or on the part of the party by whom such affidavit was filed; and such witness shall be bound to attend before such Registrar or Commissioners to be so cross-examined and re-examined, upon receiving due and proper notice and payment of his reasonable expenses, in like manner as if he had been duly served with a writ of subpœna *ad testificandum* before such Registrar or Commissioners; and the expenses attending such cross-examination and re-examination shall be paid by the parties respectively, in like manner as if the witness so to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the Court shall think fit otherwise to direct.

LV. The evidence on both sides in any cause to be used at the hearing thereof, whether taken orally (and including the cross-examination and re-examination of any witness or witnesses) or taken upon affidavit, is to be closed within nine weeks after issue joined therein, except that any witness who has made an affidavit intended to be used by any party to such cause at the hearing thereof, shall be subject to cross-examination within one month after the expiration of such period of nine weeks.*

LVI. No affidavit filed before issue joined in any cause shall be received or receivable at the hearing thereof, unless, within

* Order 55 is altered by Order 12 of 1855.

one month after issue joined notice in writing shall have been given, by the party intending to use the same, to the opposite party of his intention in that behalf.*

Court may Direct Oral Examination of Witnesses before itself.

LVII. Upon the hearing of any cause or matter depending in the said Court, whether commenced by bill or by claim, the Court, if it shall see fit so to do, may require the production and oral examination before itself of any witness or party, and may direct the costs of and attending the production and examination of such witness or party, to be paid by such of the parties or in such manner as it may think fit.

Subpœna requiring Attendance of Witnesses.

LVIII. Any party in any cause or matter depending in the said Court may, by a writ of subpœna *ad testificandum* or *duces tecum*, require the attendance of any witness before the Registrar or before any such Commissioners as aforesaid, and examine such witness orally, for the purpose of using his evidence upon any claim, motion, petition, or other proceeding before the Court, in like manner as such witness would be bound to attend and be examined with a view to the hearing of the cause ; and any party having made an affidavit to be used or which shall be used on any claim, motion, petition, or other proceeding before the Court shall be bound, on being served with such writ, to attend before the Registrar or before any Commissioners under any commission for the examination of witnesses, for the purpose of being cross-examined : Provided always, that the Court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of making such interim orders, or otherwise, as may appear necessary to meet the justice of the case.

* Order 56 is altered by Order 13 of 1855.

Notice as to Cross-Examination of Witnesses.

LIX. Any party desiring to cross-examine a witness who has made an affidavit in any cause intended to be used at the hearing thereof, shall give forty-eight hours' notice to the party on whose behalf such affidavit was filed, or to the party intending to use the same, of the time and place of such intended cross-examination, in order that such party may, if he shall think fit, be present at such cross-examination.

LX. The re-examination of any such witness is immediately to follow his cross-examination, and is not to be delayed to a future period.

LXI. Any party in any cause or matter requiring the attendance of any witness before the Registrar or Commissioners, for the purpose of his being examined or cross-examined, with a view to his evidence being used upon any claim, motion, petition, or other proceeding before the Court, not being the hearing of a cause, shall give to the opposite party or parties forty-eight hours' notice at least of his intention to examine such witness, and of the time and place of such examination, unless the Court shall in any case think fit to dispense with such notice.

LXII. And where it is desired to cross-examine any party, whether a party to the cause or matter or not, who has made an affidavit to be used, or which shall be used on any claim, motion, petition, or other proceeding before the Court, not being the hearing of a cause, the party desiring so to cross-examine such deponent shall give such notice to the opposite party as is required by Order LIX., with reference to the cross-examination of a witness who has made an affidavit to be used on the hearing of a cause.

LXIII. All the above Orders with reference to the examination, cross-examination, and re-examination of witnesses, shall extend and be applicable to evidence taken in any cause subsequently to the hearing thereof.

LXIV. In suits in which issue shall have been joined when these orders come into operation, the evidence to be used at the hearing of the cause shall be taken according to the existing practice of the Court, unless the parties shall consent, or the Court shall order, that the same shall be taken in the mode hereby prescribed.

Evidence subsequent to the Hearing.

LXV. In cases where it shall be necessary for any party to any cause depending in the said Court to go into evidence subsequently to the hearing of such cause, such evidence shall be taken as nearly as may be in the manner hereinbefore provided with reference to the taking of evidence with a view to such hearing.

Cases in which Defendant is not to object for want of Parties.

LXVI. It shall not be competent to any defendant in any suit in the said Court to take any objection for want of parties to such suit, in any case to which the rules next hereinafter set forth extend; and such rules shall be deemed and taken as part of the practice of the said Court, and any practice of the said Court inconsistent therewith shall be annulled.

Rule 1. Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2. Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real

estate directed to be sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3. Any residuary devisee or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4. Any one of several cestuisque trust under any deed or instrument may, without serving any other of such cestuisque trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5. In all cases of suits for the protection of property pending litigation, and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6. Any executor, administrator, or trustee may obtain a decree against any one legatee, next of kin, or cestuisque trust for the administration of the estate, or the execution of the trusts.

Rule 7. In all the above cases the Court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8. In all the above cases the persons who, according to the present practice of the Court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may by an order of course have liberty to attend the proceedings under the decree; and any party so served may, within one month after such service, apply to the Court to add to the decree.

Rule IX. In all suits concerning real or personal estate which is vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit; but the Court may, upon consideration of the matter, on the hearing, if it shall so think fit, order such persons, or any of them, to be made parties.

A memorandum of the service upon any person or persons of notice of the decree in any suit under Rule 8 of Order LXVI., is to be entered in the Office of the Registrar, upon due proof, by affidavit, of such service.

Setting down Cause on Objection for want of Parties abolished.

LXVII. The practice of the said Court of setting down a cause merely on an objection or want of parties to the suit shall be abolished.

Court may proceed without Representative of a deceased Person.

LXVIII. If in any suit or other proceeding before the Court it shall appear to the Court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be lawful for the Court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the Court shall think fit, either specially or generally by public advertisements; and the order so made by the said Court, and any orders conse-

quent thereon, shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the Court.

Administration Decree against Personal Estate on Summons.

LXIX. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without bill or claim filed, or any other preliminary proceedings, a summons requiring the executor or administrator, as the case may be, of such deceased person, to attend before the Vice-Chancellor for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted; and upon proof by affidavit of the due service of such summons, or on the appearance in person, or by his solicitor or counsel, of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Vice-Chancellor shall require, it shall be lawful for such Vice-Chancellor, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased, with such variations, if any, as the circumstances of the case may require; and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause or claim between the same parties; provided that such Vice-Chancellor shall have full discretionary power to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants or of the classes of claimants as he may think fit; and if the Vice-Chancellor shall

think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms, as the Vice-Chancellor may direct.

Form of Summons.

LXX. The summons to be obtained under Order LXIX., may be in a form similar to the form set forth in Schedule (E) to these Orders, with such variations as the circumstances of the case may require.

Filing of Summons.

LXXI. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the Registrar's office; and no service thereof upon any executor or administrator shall be of any validity unless the copy so served shall be stamped with a stamp of such office indicating the filing thereof; and the filing of such summons shall have the same effect with respect to *Lis pendens* as the filing of a bill or claim.

Administration Decree against Real Estate on Summons.

LXXII. It shall be lawful for any person claiming to be a creditor of any deceased person, or interested under his will, to apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person, an order for the administration of the real estate of a deceased person where the whole of such real estate is by devise vested in trustees who are by the will empowered to sell such real estate, and authorised to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate; and all the provisions hereinbefore contained with respect to the application for such order in relation to the personal estate of a deceased person, and consequent thereon, shall

extend and be applicable to an application for such order as last hereinbefore mentioned with respect to real estate.

Power for Registrar to grant and to hear Summonses in the absence of the Vice-Chancellor.

LXXIII. It shall be lawful for the Registrar, in the absence of the Vice-Chancellor, to hear summonses which may have been granted to creditors, specific pecuniary or residuary legatees, or next of kin, who may have applied for the same under the provisions of Orders LXIX. and LXXII., and to make or to refuse orders thereupon, and all the provisions hereinbefore contained with reference to orders to be made by the Vice-Chancellor upon the hearing of summonses, shall extend and be applied to orders to be made by the Registrar upon the hearing of summonses: Provided always, that if any party summoned shall attend in pursuance of the exigency of the summons, and shall object to the summons being heard in the absence of the Vice-Chancellor, the Registrar shall adjourn the hearing to such time and place as he shall think proper, in order that the summons may be then and there heard before the Vice-Chancellor; and in any case in which it shall appear to the Registrar that the question in issue upon any summons coming on for hearing in the absence of the Vice-Chancellor is of sufficient difficulty or importance to render it expedient that the same should be heard before the Vice-Chancellor, the Registrar shall in like manner adjourn the hearing of the summons to such other time and place as he shall appoint, in order that the summons may be heard before the Vice-Chancellor; and it shall be lawful for the Vice-Chancellor to proceed with the hearing of any summons which may have been adjourned by the Registrar to be heard before him the Vice-Chancellor, as aforesaid, and to dispose thereof in such and the like manner as he the Vice-Chancellor might have done if such adjourned hearing were an original hearing of the summons.

Court may direct Sale of Mortgaged Property in lieu of Foreclosure.

LXXIV. It shall be lawful for the Court in any suit for the foreclosure of the equity of redemption in any mortgaged property, upon the request of the mortgagee or of any subsequent incumbrancer, or of the mortgagor, or any person claiming under them respectively, to direct a sale of such property, instead of a foreclosure of such equity of redemption, on such terms as the Court may think fit to direct, and if the Court shall so think fit, without previously determining the priorities of incumbrances, or giving the usual or any time to redeem: Provided that if such request shall be made by any such subsequent incumbrancer, or by the mortgagor, or by any person claiming under them respectively, the Court shall not direct any such sale, without the consent of the mortgagee or the persons claiming under him, unless the party making such request shall deposit in Court a reasonable sum of money, to be fixed by the Court, for the purpose of securing the performance of such terms as the Court may think fit to impose on the party making such request.

Suit not to be dismissed for Misjoinder of Plaintiffs.

LXXV. No suit in the said Court shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein; but wherever it shall appear to the Court that, notwithstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs, or some or one of them, are or is entitled to relief, the Court shall have power to grant such relief, and to modify its decree, according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing, before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant

or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs, and the plaintiff having an interest shall have died, leaving a plaintiff on the record without an interest, the Court may, at the hearing of the cause, order the cause to stand revived as may appear just, and proceed to a decision of the cause, if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient.

Declaratory Decree good.

LXXVI. No suit in the said Court shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief.

Court may adjudicate, notwithstanding the absence of some of the Parties interested.

LXXVII. It shall be lawful for the Court to adjudicate on questions arising between parties, notwithstanding that they may be some only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with other property in the same settlement, will, or other instrument, without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument, parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the Court, and without taking the accounts of the trustees or other accounting parties, or ascertaining the particulars or amount of the property touching which the question or questions may have arisen: Provided always, that if the Court shall be of opinion that the appli-

cation is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

Order to be made on Abatement.

LXXVIII. Upon any suit in the said Court becoming abated by death, marriage, or otherwise, or defective by reason of some change or transmission of interest or liabilty, it shall not be necessary to exhibit any bill of revivor or supplemental bill in order to obtain the usual order to revive such suit, or the usual or necessary decree or order to carry on the proceedings; but an order to the effect of the usual order to revive, or of the usual supplemental decree, or if it be necessary to state any matter by way of supplement before decree, then the order for the prosecution of the suit upon the supplemental matter and between any additional parties to the suit, may be obtained as of course upon an allegation of the abatement of such suit, or of the same having become defective, and of the change or transmission of interest or liability; and an order so obtained, when served upon the party or parties who according to the present practice of the said Court would be defendant or defendants to the bill of revivor or supplemental bill, shall from the time of such service be binding on such party or parties in the same manner in every respect as if such order had been regularly obtained according to the existing practice of the said Court, or as if a supplemental bill had been filed, bringing the same parties before the Court; and such party or parties shall thenceforth become a party or parties to the suit, and shall be bound to enter an appearance thereto in the office of the Registrar, within such time and in like manner as if he or they had been duly served with process to appear to a bill of revivor or supplemental bill filed against him: Provided that it shall be opened to the party or parties so served, within such respective times as are hereinafter in that behalf prescribed, to apply to the Court by motion or petition to discharge such

order on any ground which would have been open to him on a bill of revivor or supplemental bill, stating the previous proceedings in the suit and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon: Provided also, that if any party so served shall be under any disability other than coverture, such order shall be of no force or effect as against such party until a guardian or guardians *ad litem* shall have been duly appointed for such party, and such time shall have elapsed as is hereinafter prescribed in that behalf.

LXXIX. Any party under no disability, or under the disability of coverture, who may be served with an order to revive any suit, or to carry on the proceedings therein, may apply to the Court to discharge such order within twelve days after such service; and any party being under any disabilty, other than coverture, who may be so served, may apply to the Court to discharge such order within twelve days after the appointment of a guardian or guardians *ad litem* for such party; and until such period of twelve days shall have expired such order shall have no force or effect as against such last-mentioned party

Supplemental Matter may be introduced by Amendment.

LXXX. It shall not be necessary to exhibit any supplemental bill in the said Court for the purpose only of stating or putting in issue facts or circumstances which may have occurred after the institution of any suit; but such facts or circumstances may be introduced by way of amendment into the original bill of complaint in the suit, if the cause is otherwise in such a state as to allow of an amendment being made in the bill, and if not, the plaintiff shall be at liberty to state such facts or circumstances on the record, in the manner hereinafter in that behalf prescribed.

LXXXI. If the plaintiff in any cause which is not in such a state as to allow of an amendment being made in the bill shall desire to state or put in issue any facts or circumstances which may have occurred after the institution of the suit, he may state the same, and put the same in issue by filing in the Registrar's office a statement, either written or printed, to be annexed to the bill; and such proceedings by way of answer, evidence, and otherwise, are to be had and taken upon the statement so filed, as if the same were embodied in a supplement bill: Provided always, that the Court may make any order which it shall think fit for accelerating the proceedings thereunder, or proceedings therein, in any manner which may appear just and practicable.

Special directions may be given as to the Mode of Vouching Accounts.

LXXXII. It shall be lawful for the Court, in any case where any account is required to be taken, to give such special directions, if any, as it may think fit with respect to the mode in which the account should be taken or vouched, and such special directions may be given, either by the decree or order directing such account, or by any subsequent order or orders, upon its appearing to the Court that the circumstances of the case are such as to require such special directions; and particularly it shall be lawful for the Court, in cases where it shall think fit so to do, to direct that in taking the account the books of account in which the accounts required to be taken have been kept, or any of them, shall be taken as *primâ facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to make such objections thereto as they may be advised.

Real Estate may be sold at any time after institution of Suit.

LXXXIII. If after a suit shall have been instituted in the said Court in relation to any real estate it shall appear to the

Court that it will be necessary or expedient that the said real estate or any part thereof should be sold for the purposes of such suit, it shall be lawful for the said Court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a decree or decretal order on the hearing of such cause; and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof, shall be compelled to deliver up such possession or receipt to the purchaser or such other person as the Court shall direct.

Court may, after institution of Suit, make an Allowance to the Parties interested.

LXXXIV. Where any real or personal property shall form the subject of any proceedings in the Court, and the Court shall be satisfied that the same will be more than sufficient to answer all the claims thereon which ought to be provided for in such suit, it shall be lawful for the said Court at any time after the commencement of such proceedings, to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said Court shall direct, and for that purpose to make such orders as may appear to the said Court necessary or expedient.

Court may obtain Assistance of Accountants, &c.

LXXXV. It shall be lawful for the Court, in such way as it may think fit, to obtain the assistance of accountants, merchants, engineers, actuaries, or other scientific persons, the better to enable it to determine any matter at issue in any cause or proceeding, and to act upon the certificate of such persons.

Account of Debts and Liabilities at the instance of Executors or Administrators.

LXXXVI. It shall be lawful for the Court, upon the application of the executors or administrators of any deceased person, by Order to be made upon motion or petition of course, and to be in the form or to the effect set forth in Schedule (F) to these Orders, with such variations as circumstances may require, to refer it to the Registrar of the said Court to take an account of the debts and liabilities affecting the personal estate of such deceased person, and to report thereon: Provided always, that no such Order shall be made until the expiration of one year next after the death of such deceased person, or pending any proceedings to administer the estate of such person, and that in case at any time after the making of such order any decree or order for administering the estate of such deceased person shall be made, it shall be lawful for the said Court by such decree or order to stay or suspend the proceedings under such order of course on such terms and conditions, if any, as to the said Court shall seem just.

LXXXVII. It shall be lawful for any person who may have come in before the Registrar under any such order, and claimed to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the said Registrar, to apply to the said Court by motion, of which notice shall be given within fourteen days after the filing of the Registrar's Report, to have such claim allowed by the Court, either wholly or partially; and it shall be lawful for the said executors or administrators, and for any creditor of the deceased person who may be authorised by special leave of the said Court so to do, to apply to the Court by motion, of which notice shall be given within the time aforesaid, to have any debt or claim

allowed by the said Registrar disallowed by the Court, either wholly or partially; and at the expiration of fourteen days after the filing of the said Report the same shall, except as to any debt or claim as to which any such notice as aforesaid may have been given, be absolute, as if the same had been confirmed by order of the Court.

Proceedings consequent on Report.

LXXXVIII. Upon the hearing of any such motion as aforesaid, the said Court may either dismiss such motion, or may order the debt or claim to which such motion relates to be allowed or disallowed, as the case may be, and either wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim, and after such inquiry or proceedings may, upon further motion, deal with such debt or claim as to the Court shall seem just: Provided always, that no new evidence shall be received by the said Court upon the hearing of any such motion without special leave of the said Court.

LXXXIX. In case any debt or any certain liability shall have been allowed as aforesaid, and shall not within fourteen days after the Report has become absolute as to such debt or liability, or after the same shall have been allowed by the said Court, be paid or provided for by appropriation to the satisfaction of the person who has established such liability, it shall be lawful for the Court, by order to be made, in case of any debt remaining due, upon the application by motion or petition of the person to whom the debt remains due, and on notice to the executors or administrators, and in case of any certain liability remaining unprovided for by appropriation, upon the application by motion or petition of the person by whom such liability has been established, or of the executors or administrators, and on notice by the party applying to the other of them, to order payment of the debts which may have been allowed and remain unpaid, and to

provide for the certain liabilities which may have been allowed and remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose instituted by bill, or to refer it to the Registrar to take an account of the debts and certain liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual accounts of the personal estate of the deceased person, with all usual and proper directions; and every such Order shall have the same force and effect and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by bill.

XC. In case any contingent liability shall be allowed by the said Report, or by the said Court, it shall be lawful for the Court, by order, to be made upon the application of the executors or administrators, by motion or petition, on notice to the person who may have established such contingent liability, to order such sum of money, part of the estate of the deceased person, as to the Court shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the Court shall think fit touching the payment of such sum of money into Court, and the investment thereof, and the payment, application, or accumulation of the interest or dividends thereof in the meantime and until the same shall be required to answer such liability, and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court as the Court shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons entitled to the estate of the deceased, subject to the contingent liability; and any person interested in such appropriated assets may apply to the Court, touching the same as he may be advised.

XCI. After the filing of such Report as aforesaid, it shall be lawful for the Court, upon the application of the executors or

administrators of the deceased, by order, to be made on motion, to restrain by injunction any proceedings at law against them, by any person having or claiming to have any demand upon the estate of the deceased, by reason of any debt or liability, other than the persons who may have established contingent liabilities under the said order for which no appropriation may have been made.

XCII. In case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the executors or administrators, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them or any of them on account of such estate, shall, as against all persons having or claiming to have any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the Court: Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said Court in a suit to which he was not a party, would not have been binding upon him.

Injunctions against Legal Actions.

XCIII. No injunction for stay of proceedings at law is to be granted as of course for default of appearance or answer to the bill.

XCIV. The practice of the Court with respect to injunctions for the stay of proceedings at law shall, so far as the nature of the case will admit, be assimilated to the practice of such Court with respect to special injunctions generally, and such injunctions may be granted upon interlocutory applications, supported by affidavit, in like manner as other special injunctions are granted by the Court.

On Application for Injunction or Receiver, Defendant's Answer to be regarded as an Affidavit.

XCV. Upon application, by motion or petition, to the Court in any suit depending therein for an injunction or a receiver, or to dissolve an injuction, or discharge an order appointing a receiver, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

Court may decide on Legal Title.

XCVI. In cases where, according to the present practice of the Court, such Court declines to grant equitable relief until the legal title or right of the party or parties seeking such relief shall have been established in a proceeding at law, the said Court may itself determine such title or right without requiring the parties to proceed at law to establish the same.

Proceedings in the Registrar's Office—Discovery.

XCVII. In all cases in which, by any decree or order, any accounts are directed to be taken or inquiries to be made by the Registrar, the parties are to produce before the Registrar, upon oath, all deeds, books, papers, and writings in their custody or

power relating thereto, and are to be examined upon interrogatories as the Registrar shall direct, and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Form of Decree or Order for Accounts.

XCVIII. In all cases in which, by any decree or order, any accounts are directed to be taken, or inquiries to be made, each direction shall be numbered, so that, as far as may be, each distinct account and inquiry may be designated by a number, and such decree or order may be in the form set forth in Schedule (G) to these Orders, with such variations as the circumstances of the case may require.

XCIX. Where a decree or order is made directing an account of debts, claims, or liabilities, or an inquiry for next of kin or other unascertained persons, unless otherwise ordered, all persons who do not come in and prove their claims within the time which may be fixed for that purpose by advertisement, are to be excluded from the benefit of the decree or order.

C. Where a decree or order is made directing an account of the debts of a deceased person, unless otherwise ordered, interest is to be computed on such debts as to such of them as carry interest after the rate they respectively carry, and as to all others after the rate of four per cent. per annum, from the date of the decree or order.

CI. Where a decree or order is made directing an account of legacies, unless otherwise ordered, interest is to be computed on such legacies after the rate of four per cent. per annum, from the end of one year after the deceased's death, unless any other time of payment or rate of interest is directed by the will, and in that case according to the will.

Sale of Real Estate.

CII. Where a decree or order is made directing any property to be sold, unless otherwise ordered, the same is to be sold, with the approbation of the Registrar, to the best purchaser that can be got for the same, to be allowed by the Court, and all proper parties are to join therein as the Court shall direct.

Appointment of Receiver.

CIII. Where a decree or order is made directing a receiver to be appointed, unless otherwise ordered, the person to be appointed is first to give security, to be allowed by the Registrar, and taken before an officer or agent of the Court in the country, if there shall be occasion, duly to account for what he shall receive on account of the rents and profits, for the receipt of which he is to be appointed, at such periods as such Registrar shall appoint, and to account for and pay the same as the Court shall direct, or as the case may be, to be answerable for what he shall receive in respect of the personal estate, for the getting in and collection of which he is appointed, and to account for and pay the same as the Court shall direct; and the person so to be appointed is to be allowed a proper salary for his care and pains in receiving such rents and profits, or, as the case may be, to have an allowance made to him in respect of his collecting such personal estate.

CIV. The General Orders and practice of the Court with respect to receivers shall, *mutatis mutandis*, apply to receivers appointed under orders made after these rules and regulations come into operation.

Form of Taking Accounts.

CV. Where any account is directed to be taken, the accounting

party is, unless the Registrar shall otherwise direct, to make out his account and verify the same by affidavit. The items on each side of the account are to be numbered consecutively, and the account is to be referred to by the affidavit as an exhibit, and to be left in the Registrar's office.

CVI. Any party seeking to charge any accounting party beyond what he has by his account admitted to have received, is to give notice thereof to the accounting party, stating, so far as he is able, the amount sought to be charged, and the particulars thereof, in a short and succinct manner.

Advertisements for Creditors.

CVII. Where a decree or order directs an account of debts, claims, or liabilities, or an inquiry for next of kin, or other unascertained persons, an advertisement shall be inserted in the London Gazette, and in such other public papers as the Registrar shall think proper, for the persons claiming as aforesaid to come in and prove their debts or claims before the Registrar within a time to be fixed by the Registrar.

CVIII. Where advertisements are required for any purpose, a peremptory and only one is to be issued, unless for any special reason it may be thought necessary to issue a second advertisement or further advertisements, and any advertisement may be repeated as many times, and in such papers, as may be directed.

CIX. The advertisements are to be prepared by the solicitor, and submitted to the Registrar for approval, and, when approved, are to be signed by him, and such signature is to be sufficient authority to the printer of the Gazette to insert same.

Form of Advertisements.

CX. Advertisements for creditors or other claimants are to

fix a time for the creditors or claimants to come in and prove their claims, and may be in a form similar to the form set forth in Schedule (H) to these Orders, with such variations as the circumstances of the case may require.

Registrar's Certificates and Reports under Decrees and Orders.

CXI. Where an account has been directed, the Registrar's certificate or report is to state the result of such account, and not to set the same out by way of schedule, but is to refer to the account verified by the affidavit filed, and to specify by the numbers attached to the items in the account, which, if any, of such items have been disallowed or varied, and to state what additions, if any, have been made by way of surcharge. In any case in which the account verified by the affidavit has been so altered that it is necessary to have a fair transcript of the account as altered, such transcript may be required to be made by the solicitor prosecuting the order, and is then to be referred to by the certificate or report. The accounts and the transcripts, if any, referred to by certificates or reports, are to be filed therewith, but no copies thereof are to be required to be taken by any party.

CXII. The certificates or reports to be made by the Registrar to the Court are not, except the special circumstances of the case shall render it necessary, to set out the order, or any documents, or evidence, or reasons, but are to refer to the order, documents, and evidence, or particular paragraphs thereof, so that it may appear upon what the result stated in any such certificate or report is founded.

Form of Registrar's Report.

CXIII. The report of the Registrar to the Court may be in a form similar to the form set forth in Schedule (J) to these Orders,

with such variations as the circumstances of the case may require.

Sales of Real Estate.

CXIV. When any property is directed to be sold before the Registrar, previously to the same being put up for sale, an abstract of the title thereto shall, with the approbation of the Registrar, be laid before some conveyancing counsel to be approved by the Registrar, for the opinion of such counsel thereon, to the intent that the Registrar may be the better enabled to settle the conditions of sale.

Conditions.

CXV. When any property is directed to be sold before the Registrar the conditions of sale shall be settled by the Registrar.

Reserved Bidding.

CXVI. When any property is directed to be sold before the Registrar, he shall be at liberty to fix a reserved bidding for the same if sold entire, or if sold in lots one bidding for each lot, and such reserved bidding shall be made one of the conditions of sale under which the said property shall be sold, and in order that the Registrar may form his judgment as to such reserved bidding, the parties shall carry in before him such proposals as they may think fit; and the Registrar shall use his discretion as to communicating such reserved bidding to the parties, or any of them, or their solicitors; and the Registrar previously to such sale, if he shall think fit, shall cause to be put under a sealed cover, and to be delivered to the person appointed to sell, a note in writing of the sum at which he shall fix such reserved bidding for each lot; and in case no person shall bid a price equal to or higher than the sum mentioned in the said note, then the

Registrar, or the person appointed by him to sell the said property, shall declare that such lot is not sold, but has been bought in on account of the persons interested in or entitled to the property.

Deposit.

CXVII. When any property is directed to be sold before the Registrar, he shall be at liberty to fix an amount to be paid as a deposit by the purchasers respectively at such sale, and to appoint some proper person to receive the same, who, if required by the Registrar, shall give security to be approved of by the Registrar duly to account for and pay what he shall receive in respect of such deposit, in such manner as the Court shall have directed with respect to the monies to arise from such sale, and the person appointed to receive such deposits shall, within such time as the Registrar shall appoint, and without any special order for the purpose, pay the monies which he shall receive in respect thereof (the amount of such monies to be certified by the Registrar) in such manner as the Court shall have directed with respect to the monies to arise from the sale.

Receiving Proposals for Sale by Private Contract.

CXVIII. When any property is directed to be sold before the Registrar, he shall be at liberty, either before or after such property shall have been put up for sale by public auction, to receive proposals for the sale thereof, or of any part thereof, by private contract, and he shall make his report thereof with his opinion thereon to the Court, which report shall be submitted to the Court for confirmation in the same manner as reports made upon special reference as to sales by private contract.

Allowances to Accountants, &c.

CXIX. The allowances in respect of fees to any accountants,

merchants, engineers, actuaries, and other scientific persons, whose assistance shall have been obtained by the Court, shall be regulated by the Registrar, subject to an appeal to the Vice-Chancellor, whose decision shall be final.

Payment out of Court to surviving Personal Representatives.

CXX. Whenever any payment or transfer shall have been directed to be made to any persons or personal representatives, the Registrar or the Clerk of the Council, Registrar, and Comptroller, as the case may be, shall be at liberty to make such payment or transfer to the survivors or survivor of such persons, as well in cases in which such personal representatives shall have been individually named in the decree or order directing the particular payment or transfer, as also in cases in which the decree or order shall have directed such payment or transfer to parties to be named in the Registrar's Report, and the Registrar shall have made his report showing the title of the persons as such personal representatives as aforesaid.

Investment of Monies paid into Court under the Trustee Relief Act.

CXXI. Where any trustee who might be sued in the Court in respect of any monies or securities held by him shall be desirous, under the provisions of the Act of Parliament of the 13 and 14 Vict., chap. 43, sect. 12, and of the General Orders of the Court, dated the 20th June, 1851, to pay money or transfer stock or securities to the joint account of the Clerk of the Council of the Duchy of Lancaster, and of the Registrar and Comptroller of the Court, the affidavit directed by the said General Orders to be filed by such trustee shall, in every case where he shall deem it unnecessary to have the money, or the dividends, or interest of stock, or securities invested in the meantime, further contain a statement to that effect; and if the affidavit shall

contain no such statement, the said Clerk of the Council, Registrar, and Comptroller shall be at liberty to invest, as soon as conveniently may be, the said cash in bank three pounds per cent. annuities in the matter of the particular trust; or, in cases of dividends or interest on stock or securities transferred, such dividends or interest in the like stock, and all accumulations of the dividends of the stock in which such cash shall be invested, and of the dividends or interest on such stock or securities as aforesaid, from time to time in the like matter, without any special order made by the Court in that behalf, and without any formal request for that purpose; and the Registrar, Clerk of the Council, and Comptroller are to declare the trust thereof when purchased, subject to the order of the Court: Provided always, that if at any time a request in writing, by or on behalf of any party claiming to be entitled, that such investment be discontinued, shall be left with the Registrar, Clerk of the Council, and Comptroller, they shall be at liberty to cease making any further investment in the matter of the particular trust until the Court shall have made some order on that behalf.

Power to wind up Proceedings in Registrar's Office.

CXXII. In order as expeditiously as may be to wind up all the causes, matters, and things which may from time to time be depending before or have been referred to the Registrar of the Court, it shall be lawful for the Registrar to summon as he shall deem fit all or any of the parties to any cause, matter, or thing so depending, or their solicitors, and thereupon to proceed with such cause, matter, or thing, and give such directions and make such order as he may think necessary for the purpose of settling and winding up the same; but any such order shall be subject to be discharged or varied by the Court upon application made for that purpose; and the Registrar shall be at liberty to proceed for the purposes aforesaid in the absence of

any of the parties or solicitors neglecting or refusing to attend the summons.

CXXIII. In case the Registrar shall be unable, by reason of the conduct of parties, or otherwise, to finally dispose of any cause, matter, or thing, he shall be at liberty to dispose of any part thereof within his power, and to report or certify on the whole of the case; and upon such report or certificate the Court shall make such order as it shall think proper on all or any of the parties, for the further prosecution of the suit or matter, or for the final disposal thereof, and for the payment of the costs thereof, including any of the costs which may have been incurred by reason of the conduct of the parties.

Exceptions to, and Confirmation of, Reports and Certificates by the Registrar.

CXXIV. The practice of excepting to any report or certificate by the Registrar, and of confirming the same, shall be discontinued; and any person dissatisfied with any decision or direction of the Registrar, may, either during the proceedings before him, or within such time afterwards as provided by the next order, appeal therefrom by way of motion.

CXXV. Every report or certificate shall be filed, and when filed shall be binding on all parties to the proceedings, unless discharged or varied, upon application by motion to the Court. But such application must be made within fourteen days, or at the next sitting of the Court within the County Palatine, after the expiration of such fourteen days, unless the Court shall in any case, under special circumstances, think fit to allow the application to be made notwithstanding the lapse of the prescribed time.

Rectification of Mistakes.

CXXVI. In case any of the directions herein contained with respect to the practice and course of proceeding in the Court shall by mistake of parties fail to be followed in any suit or proceeding, it shall be lawful for the Court, if it shall think fit, upon payment of such costs as such Court shall direct, to make such order giving effect to and rectifying such proceedings as may be justified by the merits of the case.

Power to Court to enlarge Time.

CXXVII. The power of the Court to enlarge or abridge the time for doing any act or taking any proceedings in any cause or matter, upon such, if any, terms as the justice of the case requires, is unaffected by these Orders.

Commencement of Orders.

CXXVIII. These Orders shall take effect and come into operation on the first day of July, one thousand eight hundred and fifty-three.

Interpretation Clause.

CXXIX. In these Orders the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz. :—

1. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
2. Words importing the masculine gender include females.
3. The word "bill" includes "information."

4. The word "party" includes a body politic or corporate.
5. The word "affidavit" includes "affirmation."
6. The word "order" includes decree and decretal order.
7. The word "receiver" includes consignee and manager.

In these Orders the following expressions have and include the several meanings hereinafter mentioned, unless there be something in the subject or context repugnant to such construction, viz.:—

1. The expression "Chancellor" means "the Chancellor "of the Duchy and County Palatine of Lancaster."
2. The expression "Vice-Chancellor" means "the Vice-"Chancellor of the County Palatine of Lancaster."
3. The expression "Registrar" means "the Registrar of "the Court of Chancery of the County Palatine of "Lancaster," and includes District and Deputy Registrars.
4. The expression "Court" means "the Court of Chancery "of the County Palatine of Lancaster."
5. The expression "General Order of the Chancellor" means any General Order of the Chancellor of the Duchy and County Palatine of Lancaster, made with such advice and consent as is prescribed by the Act of Parliament of the 14 and 15 Vict. chap 43, with respect to the particular subject matters in reference to which any such advice and consent are thereby respectively made necessary.

(Signed) EDWARD STRUTT.
W. M. JAMES.
W. P. WOOD.

May 30th, 1853.

SCHEDULES REFERRED TO BY THE FOREGOING ORDERS.

SCHEDULE (A.)

Form of Bill.

In the Chancery of the County Palatine of Lancaster.

John Lee - - - - - - - - - - - - Plaintiff.

James Styles
and
Henry Jones } - - - - - - - - Defendants.

To the Right Honourable EDWARD STRUTT, Chancellor of the Duchy and County Palatine of Lancaster.

Humbly complaining, showeth unto his Honour John Lee, of Preston, in the said County Palatine of Lancaster, Esq., the above-named plaintiff, as follows:—

1. The defendant James Styles, being seized in fee simple of a farm called Blackacre, in the parish of A. in the said County Palatine of Lancaster, with the appurtenances, did, by an Indenture dated the 1st of May, 1850, and made between the defendant James Styles of the one part and the plaintiff of the other part, grant and convey the said farm with the appurtenances unto and to the use of the plaintiff, his heirs and assigns, subject to a proviso for redemption thereof, in case the defendant James Styles, his heirs, executors, administrators or assigns, should on the 1st of May, 1851, pay to the plaintiff.

his executors, administrators or assigns, the sum of £5000, with interest thereon, at the rate of £5 per centum per annum, as by the said Indenture will appear.

2. The whole of the said sum of £5000, together with interest thereon at the rate aforesaid, is now due to the plaintiff.

3. The defendant Henry Jones claims to have some charge upon the farm and premises comprised in the said Indenture of mortgage of the 1st of May, 1850, which charge is subsequent to the plaintiff's said mortgage.

4. The plaintiff has frequently applied to the defendants James Styles and Henry Jones, and required them either to pay the said debt or else to release the equity of redemption of the premises, but they have refused so to do.

5. The defendants James Styles and Henry Jones pretend that there are some other mortgages, charges or incumbrances affecting the premises, but they refuse to discover the particulars thereof.

6. There are divers valuable oak, elm and other timber and timber-like trees growing and standing on the farm and lands comprised in the said Indenture of mortgage of the 1st of May, 1850, which trees and timber are a material part of the plaintiff's said security; and if the same or any of them were felled and taken away, the said mortgaged premises would be an insufficient security to the plaintiff for the money due thereon.

7. The defendant James Styles, who is in possession of the said farm, has marked for felling a large quantity of the said oak and elm trees and other timber, and he has, by handbills published on the 2nd of December instant, announced the same for sale, and he threatens and intends forthwith to cut down and dispose of a considerable quantity of the said trees and timber on the said farm.

The plaintiff prays as follows:—

1. That an account may be taken of what is due for principal and interest on the said mortgage.

2. That the defendants James Styles and Henry Jones may be decreed to pay to the plaintiff the amount which shall be so found due, together with his costs of this suit, by a short day to be appointed for that purpose, or in default thereof, that the defendants James Styles and Henry Jones, and all persons claiming under them, may be absolutely foreclosed of all right and equity of redemption in or to the said mortgaged premises.
3. That the defendant James Styles may be restrained by the injunction of this honourable Court from felling, cutting or disposing of any of the timber or timber-like trees now standing or growing in or upon the said farm and premises comprised in the said Indenture of mortgage, or any part thereof.
4. That the plaintiff may have such further or other relief as the nature of the case may require.

The defendants to this bill of complaint are—

James Styles,
Henry Jones.

Y. Y.
(Name of Counsel.)

Note.—This bill is filed by Messrs. A. B. and C. D., of Preston, in the County Palatine of Lancaster, solicitors for the above-named plaintiff.

SCHEDULE (B.)

Form of Indorsement on Bill of Complaint.

VICTORIA R.

To the within-named Defendant *C. D.*, greeting.

WE command you ["and every of you," *where there is more than one defendant*], that within eight days after service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Court of Chancery of our County Palatine of Lancaster, to the within bill of complaint of the within-named *A. B.*, and that you observe what our said Court shall direct. Witness ourself at Lancaster, the day of , in the year of our reign.

NOTE.—If you fail to comply with the above directions, you will be liable to be arrested and imprisoned.

Appearances are to be entered at the Registrar's office, situate at [*state the place where*].

Form of Indorsement on Claim.

VICTORIA R.

To the within-named defendant *C. D.*, greeting.

WE command you [" and every of you," *where there is more than one defendant*], that within eight days after service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Court of Chancery of our County Palatine of Lancaster, to the within claim of the within-named *A. B.*; and further, that on the fourteenth day after the service hereof,

or on the Seal or Motion Day then next following, you do, personally or by counsel, appear in our Court of Chancery of our County Palatine of Lancaster, before the Vice-Chancellor of our said County Palatine, at ten of the clock in the forenoon, and then and there show cause, if you can, why the said *A. B.* should not have such relief against you as is within claimed, or why such order as shall be just with reference to the claim should not be made. Witness ourself at Lancaster, the day of , in the year of our reign.

NOTE.—Appearances are to be entered at the Registrar's office, at [*state the place where*]; and if you neglect to enter your appearance, and either personally or by your counsel to appear in the Court of Chancery of the County Palatine of Lancaster, at the place and on the day and hour above-mentioned, you will be subject to such order as the Court may think fit to make against you in your absence for payment or satisfaction of the said claim, or as the nature and circumstances of the case may require.

SCHEDULE (C.)

Form of Interrogatories.

In the Chancery of the County Palatine of Lancaster.

John Lee - - - - - - - - - - Plaintiff.

James Styles
and
Henry Jones } - - - - - - - - Defendants.

Interrogatories for the examination of the above-named defendants in answer to the plaintiff's bill of complaint.

1. Does not the defendant Henry Jones claim to have some charge upon the farm and premises comprised in the Indenture of mortgage of the 1st of May, 1850, in the plaintiff's bill mentioned?

2. What are the particulars of such charge, if any, the date, nature and short effect of the security, and what is due thereon?

3. Are there or is there any other mortgates or mortgage, charges or charge. incumbrances or incumbrance, in any and what manner affecting the aforesaid premises or any part thereof?

4. Set forth the particulars of such mortgages or mortgage, charges or charge, incumbrances or incumbrance; the date, nature, and short effect of the security; what is now due thereon; and who is or are entitled thereto respectively; and when and by whom, and in what manner, every such mortgage, charge, or incumbrance was created.

The defendant James Styles is required to answer all these interrogatories.

The defendant Henry Jones is required to answer the interrogatories numbered 1 and 2.

Y. Y.
(Name of Counsel.)

SCHEDULE (D.)

Form of Answer.

In the Chancery of the County Palatine of Lancaster.

John Lee - - - - - - - - - - - - Plaintiff.

James Styles
and
Henry Jones } - - - - - - - - - Defendants.

The answer of James Styles, one of the above-named defendants to the bill of complaint of the above-named plaintiff.

In answer to the said bill, I, James Styles, say as follows :—

1. I believe that the defendant, Henry Jones, does claim to have a charge upon the farm and premises comprised in the Indenture of mortgage of the 1st of May, 1850, in the plaintiff's bill mentioned.

2. Such charge was created by an Indenture dated the 1st of November, 1850, made between myself of the one part, and the said defendant Henry Jones of the other part, whereby I granted and conveyed the said farm and premises, subject to the mortgage made by the said Indenture of the 1st of May, 1850, unto the defendant Henry Jones for securing the sum of £2000 and interest at the rate of five pounds per centum per annum, and the amount due thereon is the said sum of £2000, with interest thereon, from the date of such mortgage.

3. To the best of my knowledge, remembrance and belief, there is not any other mortgage, charge or incumbrance affecting the aforesaid premises.

M. N.
(Name of Counsel.)

SCHEDULE (E.)

Form of Summons.

In the Chancery of the County Palatine of Lancaster.

In the matter of the estate of John Thomas, late of the parish of A., in the County Palatine of Lancaster, deceased.

Joseph Wilson
against
William Jackson.

Upon the application of Joseph Wilson, of Russell-square, in the county of Middlesex, Esq., who claims to be a creditor upon the estate of the above-named John Thomas, let William Jackson, the executor of the said John Thomas, attend at my chambers, at [*state the place where*], on the day of , at of the clock in the afternoon, and show cause, if he can, why an order for the administration of the personal estate of the said John Thomas, by the Court of Chancery of the County Palatine of Lancaster, should not be granted.

Dated the day of 1852.

W. M. James, Vice-Chancellor of the County Palatine of Lancaster.

Note.—If the above-named William Jackson does not attend, either in person or by his solicitor, at the time and place above-mentioned, such order will be made in his absence as the Vice-Chancellor may think just and expedient.

This Summons was taken out by A. and B., of Preston in the County Palatine of Lancaster, solicitors for the above-named Joseph Wilson.

SCHEDULE (F.)

Form of Order under Order LXXXVI.

[*Date.*]

In the Chancery of the County Palatine of Lancaster.

In the matter of A. B., late of in the County Palatine of Lancaster, banker [*or as the case may be*], deceased.

Upon motion this day made unto this Court by Mr. of counsel for C. D. of the executor [*or* administrator] of the above-named A. B. [*or* upon the humble petition of C. D. of the executor [*or* administrator] of the said A. B., this day preferred unto the Right Honourable the Chancellor of the Duchy and County Palatine of Lancaster for reasons therein contained], it is ordered, That it be referred to the Registrar of this Court to take an account of the debts and liabilities affecting the personal estate of the said A. B.: And it is ordered, that the said Master do distinguish debts from liabilities, and liabilities certain from liabilities contingent: And it is ordered, that the personal estate of the said A. B. be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration.

SCHEDULE (G.)

Form of Decree or Order.

This Court doth order, that the following accounts and inquiries be taken and made by the Registrar, that is to say,—

1. An account of the personal estate not specifically bequeathed of A. B., deceased, the testator in the pleadings named, come to the hands of, &c.

2. An account of the said testator's debts.

3. An account of the said testator's funeral expenses.

4. An account of the said testator's legacies.

5. An inquiry what parts (if any) of the said testator's personal estate are outstanding or undisposed of.

And it is ordered, that the said testator's personal estate not specifically bequeathed be applied in payment of his debts and funeral expenses in a court of administration, and then in payment of his legacies.

And it is ordered, that the following further accounts and inquiries be taken and made by the Registrar; that is to say,

6. An inquiry what real estate the said testator was seized of or entitled to at the date of his will and at the time of his death.

7. An inquiry what incumbrances affect the said testator's real estate.

8. An account of the rents and profits of the said testator's real estate received by, &c.

9. And it is ordered, that the said testator's real estate be sold.

And it is ordered, that the consideration of all further directions, and of the costs of this suit, be reserved until after the Registrar shall have made his report.

SCHEDULE (H.)

Form of Advertisement.

Pursuant to a Decree or Order of the Court of Chancery of the County Palatine of Lancaster, made on the day of in a cause

against

the creditors of [*or persons claiming debts*, or *liabilities affecting the estate of*, or *the persons claiming to be next of kin to*, or *the heir of*, as the case may be] , late of in the county of who died in or about the month of are by their solicitors, on or before the day of to come in and prove their debts or claims at the Office of the Registrar of the said Court of Chancery of the County Palatine of Lancaster, situate at [*state the place where*], or in default thereof they will be peremptorily excluded from the benefit of the said Decree [*or* Order.].

Dated this day of 1852.

A. B.
Registrar.

SCHEDULE (J.)

Form of Registrar's Report.

In the matter of , [*or*, Between] [*state title*]. In pursuance of the directions given to me, I hereby certify, that the result of the accounts and inquiries which have been taken and made, in pursuance of the Order in

this cause, dated the day of , is as follows:—

1. The defendants, the executors of the testator, have received personal estate to the amount of £ , and they have paid, or are entitled to be allowed on account thereof, sums to the amount of £ , leaving a balance due from [*or* to] them of £ , on that account.

The particulars of the above receipts and payments appear in the account marked , verified by the affidavit of , filed in my office, together with the said account, on the day of , except that in addition to the sums appearing on such account to have been received, the said defendants are charged with the following sums [*state the same here, or in a Schedule*], and except that I have disallowed the items of disbursement in the said account numbered and .

[*Or in cases where a transcript has been made.*]

The defendants, , have brought in an account verified by the affidavit of , filed in my office on the day of and which account is marked , and is also filed in my office. The account has been altered, and the account marked, , and which is also filed in my office, is a transcript of the account as altered and passed.

2. The debts of the testator which have been allowed are set forth in the Schedule hereto, and with the interest thereon and costs mentioned in the Schedule are due to the persons therein named, and amount altogether to £ .

3. The funeral expenses of the testator amount to the sum of £ , which I have allowed the said executors in the said account of personal estate.

4. The legacies given by the testator are set forth in the Schedule hereto and with the interest therein mentioned remain due to the persons therein named, and amount altogether to £ .

5. The outstanding personal estate of the testator consists of the particulars set forth in the Schedule hereto.

6. The real estate to which the testator was entitled consists of the particulars set forth in the Schedule hereto.

7. The incumbrances affecting the said testator's real estate are specified in the Schedule hereto.

8. The defendants have received rents and profits of the testator's real estate, &c. [*in a form similar to that provided with respect to the personal estate.*]

9. The real estates of the testator directed to be sold have been sold, and the purchase-money, amounting altogether to £ , have been paid into Court.

N.B.—*The above numbers are to correspond with the numbers in the Decree.*

After each statement the evidence produced is to be stated as follows:—

The evidence produced on this account [*or* inquiry] consists of the probate of the testator's will, the affidavit of A. B., filed , and paragraph No. of the affidavit of C. D., filed .

(Signed) EDWARD STRUTT.
W. M. JAMES.
W. P. WOOD.

GENERAL RULES AND ORDERS.

GENERAL ORDERS, JULY, 1855.

THE Right Honourable Dudley Earl of Harrowby, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Right Honourable Sir James Lewis Knight Bruce, Knight, one of the Lords Justices of Appeal in the High Court of Chancery, and of William Milbourne James, Esquire, Vice-Chancellor of the said County Palatine, doth hereby, in pursuance and execution of the powers and authorities in this behalf given to him by the Court of Chancery of Lancaster Act, 1850, and the Court of Chancery of Lancaster Act, 1854, and in pursuance and execution of all other powers and authorities enabling him in this behalf, order and direct that all and every the Rules, Orders, and Regulations hereinafter set forth, shall henceforth be and become Rules, Orders, and Regulations of the Court of Chancery of the County Palatine of Lancaster, that is to say:

I. The ninth of the General Orders of the 20th day of June, 1851, is hereby abrogated and discharged; and where the time for doing any act or taking any proceeding is limited by months not expressed to be calendar months, such time is to be computed by lunar months of twenty-eight days each.

II. Where a defendant in any suit is out of the jurisdiction of the Court, and not within the ordinary jurisdiction of the High

Court of Chancery, the Court, upon application supported by such evidence as shall satisfy the Court in what place or country such defendant is or may probably be found, may order that the bill or claim may be served on such defendant in such place or country or within such limits as the Court thinks fit to direct.

III. Such order is to limit a time (depending on the place or country within which the bill or claim is to be served) after service of the bill or claim within which such defendant is to appear to the bill or claim, and also (if an answer be required) a time within which such defendant is to plead, answer, or demur, or obtain from the Court further time to make his defence.

IV. At the time when such bill or claim shall be served, the plaintiff is also to cause such defendant to be served with a copy of the order giving the plaintiff leave to serve the bill or claim.

V. And if upon the expiration of the time for appearing it appears to the satisfaction of the Court that such defendant was duly served with a copy of the bill or claim, and a copy of the order, the Court may, upon the application of the plaintiff, order an appearance to be entered for such defendant.

VI. The Registrar shall hear and determine all applications for leave to amend claims, and for extending the time limited for filing affidavits in opposition to motions for decrees or decretal orders, and in reply to such affidavits, and for filing interrogatories and exceptions, and for closing the evidence in causes; but all orders of the Registrar shall be subject to appeal to the Vice-Chancellor.

VII. In all cases in which the Court is now empowered to order an appearance to be entered for a defendant, such appearance may be entered by the Registrar upon the application of the plaintiff's solicitor without any special order, provided that

such application be made within three weeks from the expiration of the time within which the defendant ought to have appeared.

VIII. Any party to a suit may, at any time before the hearing, obtain from the Registrar a summons to be served on the opposite party in the form or to the effect set forth in the first Schedule hereto; and upon the return of such summons an order may be made by the Registrar in the form or to the effect set forth in the second Schedule hereto. But no order is to be made by the Registrar as to any document which by the affidavit in the said summons and order mentioned shall be objected to be produced. And no defendant who has been required to answer the plaintiff's bill, shall be entitled to obtain any such summons or order, until after he has put in a full and sufficient answer.

IX. Upon the Sheriff's return *non est inventus* to an attachment issued against the defendant for not answering, and upon affidavit made that due diligence was used to ascertain where such defendant was at the time of issuing such writ, and in endeavouring to apprehend such defendant under the same, and that the person suing for such writ verily believed at the time of suing for the same, that such defendant was in the country into which such writ was issued, the plaintiff, without an intermediate process, shall be entitled to a writ of sequestration.

X. The course of proceeding prescribed by the General Orders, with respect to the mode of examining witnesses and the practice of the Court in relation thereto, are altered in the manner and to the extent prescribed by these Orders, but not further or otherwise.

XI. It shall not be competent for the plaintiff or any defendant to require, by notice or otherwise, that the evidence to be adduced in a cause shall be taken orally, but when issue shall

have been joined in any cause the plaintiff and defendants respectively shall be at liberty to verify their respective cases, either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses, before one of the Registrars of the Court, or before an examiner to be specially appointed by the Court.

XII. The evidence on both sides in any cause to be used at the hearing thereof, whether taken upon affidavit or orally (and including the cross-examination and re-examination of any witness or witnesses), is to be closed within eight weeks after issue joined therein, except that any witness who has made an affidavit intended to be used by any party to such cause at the hearing thereof shall be subject to cross-examination within one month after the expiration of such period of eight weeks.

XIII. No affidavit or deposition filed or made before issue joined in any cause shall, without special leave of the Court, be received at the hearing thereof, unless, within one month after issue joined, or within such longer time as may be allowed by special leave of the Court, notice in writing shall have been given by the party intending to use the same, to the opposite party, of his intention in that behalf.

XIV. In suits in which issue shall have been joined when these orders take effect, the evidence to be used at the hearing of the cause shall be taken according to the present practice of the Court, unless the parties shall consent, or the Court shall order, that the same shall be taken in the altered mode prescribed by these Orders.

XV. All affidavits, whether to be used at the hearing of a cause, or on any other proceeding before the Court, are to state distinctly what facts or circumstances deposed to are within deponent's own knowledge, and his means of knowledge, and

what facts or circumstances deposed to are known to or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are.

XVI. The cost of affidavits not in conformity with the preceding order, are to be disallowed on taxation, unless the Court should otherwise direct.

XVII. The 11th, 12th, 13th, 14th, 15th, and 16th of these orders shall be deemed to apply as nearly as may be to evidence taken after the hearing of a cause, as well as to evidence taken previously, and with a view to such hearing.

XVIII. All causes in a fit state to be set down for hearing shall be set down for hearing by the Registrar, at the request of the solicitor of any party entitled to set the same down, without any special order for that purpose.

XIX. It shall be lawful for the Court at the hearing of every cause, or on further direction thereon, to receive proof by affidavit of all proper parties being before the Court, and of all such matters as are necessary to be proved for enabling the Court to order payment of any monies belonging to any married woman, and of all such other matters not directly in issue in the cause, as in the opinion of the Court may safely and properly be so proved.

XX. That notwithstanding the two hundred and fifth of the General Orders of the 20th June, 1851, it shall not hereafter be necessary for the Registrar, in drawing up any decree or order, to recite any previous decree or order in the cause or matter or any report, certificate, affidavit, or other document that has been filed or recorded in the Court, but it shall be sufficient to refer thereto, save only in matters of contempt or where the order varies from some general rule, and in such other cases as the

Court shall direct, or the Registrar shall in his discretion see fit, in which excepted cases the Registrar shall make such short recitals as may be necessary to show the grounds on which the decree or order is granted.

XXI. In cases where the Court directs any computation of interest or the apportionment of any fund which is to be acted upon without any further order of the Court, the order to be made by the Court may direct such computation or apportionment to be made by the Registrar, and in such case the certificate thereof, signed by the Registrar, shall be acted upon without being signed by the Vice-Chancellor.

XXII. If upon or at any time after the hearing of any cause it shall appear to the Court that by reason of absence, infancy, or unsoundness of mind, or for any other sufficient cause, the service of notice of the decree or order upon any party cannot be made, or ought not to be made personally, or ought to be dispensed with, the Court may order such service to be dispensed with, or may, at its discretion, order any substituted service or notice by advertisement, or otherwise, in lieu of such service.

XXIII. Guardians *ad litem* for infants or persons of unsound mind, not found so by inquisition, who shall be served with notice of any decree or order, are to be appointed in like manner as guardians *ad litem* to answer and defend appointed in suits on bills filed.

XXIV. At any time during the proceedings under any decree or order, the Registrar, may, if he shall think fit, require a guardian *ad litem* to be appointed for any infant or person of unsound mind, not found so by inquisition, who has been served with notice of such decree or order.

XXV. In all cases in which notice of a decree or order shall

be served pursuant to the eighth rule of the sixty-sixth of the General Order of the 30th day of May, 1853, the notice so served is to be entitled in the cause, and there is to be endorsed thereon a memorandum in the form or to the effect following, that is to say :—

XXVI. "Take notice, that from the time of the service of "this notice, you (or as the case may be, the infant, or person "of unsound mind) will be bound by the proceedings in the "above cause, in the same manner as if you (or the said infant, "or person of unsound mind) had been originally made a party to "the suit, and that you (or the said infant or person of unsound "mind) may, by an order of course, have liberty to attend the "proceedings under the within mentioned decree or order: "And that you (or the said infant or person of unsound mind) "may, within one month after the service of this notice, apply "to the Court to add to the decree or order."

XXVII. Every application to stay proceedings upon any decree or order, made by the Vice-Chancellor, which is appealed from, shall be made first to him.

XXVIII. In all cases where proceedings originate by summons, the parties served are, before they are heard, to enter appearances in the Registrar's office, and give notice thereof.

XXIX. In cases where proceedings originate by summons, the original summons is to be served seven clear days before the return thereof.

XXX. In cases where proceedings originate by summons, and from any cause the summons may not have been served upon any party seven clear days before the return thereof, an endorsement may be made upon the summons and upon a copy thereof stamped for service, appointing a new time for the parties not

before served to attend : and the service of the copy so endorsed is to have the same force and effect as the service of an original summons ; and where any party has been served before the return of the summons, the hearing thereof may, upon the return of the summons, be adjourned from time to time.

XXXI. All orders made by the Registrar for the discovery, production, or inspection of documents in proceedings before him may, so far as circumstances will admit, and having regard to the provisions of the one hundred and ninetieth of the General Orders of the 20th day of June, 1851, be in a similar form to orders made by the Court upon application for similar purposes upon the hearing.

XXXII. Where a demurrer to the whole or part of a bill is allowed upon argument or submitted to, the plaintiff, unless the Court orders to the contrary, is to pay to the demurring party the costs of the demurrer, and if the demurrer be to the whole bill the costs of the suit also.

XXXIII. In all cases in which costs are ordered to be paid to a party suing or defending *in formâ pauperis*, such costs shall, unless the Court shall otherwise order, be taxed as *dives* costs.

XXXIV. Expenses incurred in consequence of affidavits being prepared or settled by counsel are to be allowed only when the Registrar shall in his discretion, and on consideration of the special circumstances of each case, think such expenses properly incurred ; and in such cases he is to be at liberty to allow the same or such parts thereof as he may consider just and reasonable, whether the taxation be between solicitor and client, or between party and party.

XXXV. The payment to be made by the defendant to the

plaintiff for printed copies of the bill or claim shall be at the rate of one halfpenny per folio.

XXXVI. So much of the General Order of the 6th day of August, 1851, as directs that, previously to the setting down a petition for hearing, the petition, with an affidavit of service, be filed with the Registrar, is hereby abrogated and discharged, and in lieu thereof it is ordered that before any order made upon a petition (except an order to amend the same) be passed, the original petition be filed with the Registrar.

XXXVII. The Registrar shall be at liberty, upon or at any time after the appointment of a receiver, to fix the periods and days within and upon which such receivers shall procure their accounts to be delivered in to the office, and also the days upon which such receivers shall pay the balances appearing due on the accounts so delivered in, or such part thereof as shall be certified proper to be paid by them: and with respect to such receivers as shall neglect to deliver in their accounts, and pay the balances thereof at the times so to be fixed for that purpose as aforesaid, the Registrar shall from time to time, when the subsequent accounts are produced to be examined and passed, not only disallow the salaries therein claimed by such receivers, but also charge them with interest after the rate of £5 per cent. per annum, upon the balances so neglected to be paid by them, during the time the same shall appear to have remained in the hands of such receivers; and that every receiver acting under the authority of this Court shall procure every account of receipts and payments respecting the estate entrusted to his care to be examined and settled by the Registrar whose duty it may be to inspect the same within the space of six months next ensuing the time appointed by such Registrar for the delivery of such account into his office as is hereinbefore directed; and in case such receiver shall at any time hereafter neglect so to do, a certificate of every such default is hereby required to be made

by the Registrar in whose office such neglect or default shall happen.

XXXVIII. The 226th and seven following orders of the 20th day of June, 1851, and the 121st order of the 30th day of May, 1853, shall extend and apply to all payments into any branch of the Bank of England, under the Court of Chancery of Lancaster Act, 1854.

XXXIX. Where the address for service of the solicitor of any party desirous of paying or depositing any monies or securities into or in any branch of the Bank of England, under the thirteenth section of the Court of Chancery of Lancaster Act, 1854, or of the party himself, if he shall have no solicitor, shall be within the Preston district, and there shall be no branch Bank of England within such district, such monies and securities shall and may be paid and transferred into any branch of the Bank of England at which, according to the regulations for the time being in force, respecting the Suitors' Fund, such fund is authorised to be kept, and shall be so paid and deposited to the joint account of the Clerk of the Council of the Duchy of Lancaster, and the Registrar and Comptroller of the District within which such branch bank shall be situate, who shall receive the same accordingly; and the said District Registrar shall furnish such solicitor or party with the necessary authority for that purpose, upon the written request of the Registrar of the Preston District, and which written request shall, as to monies and securities proposed to be paid in and deposited under the Act for better securing Trust Funds, and for the relief of Trustees, embody a certificate that all preliminaries required by the General Orders of the Court have been duly complied with. And such monies and securities when so paid in or deposited, and the interest, dividends, and proceeds thereof, shall be subject to the regulations for the time being in force, respecting the Suitors' Fund Account, applicable to the district in which such monies or

securities shall have been so paid in or deposited, and shall be acted upon, dealt with, paid and transferred by the Clerk of the Council of the Duchy of Lancaster, and the Registrar and Comptroller of the said last mentioned district respectively accordingly; but all petitions, evidences, orders, and references, touching such monies and securities, and the interest, dividends, and proceeds thereof, shall be respectively presented, filed, taken, passed, entered and prosecuted in the office of the Registrar of the Preston District.

XL. All orders and parts of orders, so far as such other orders and parts of orders are inconsistent with these orders, but not further or otherwise, are hereby abrogated and discharged.

XLI. All former orders, and parts of orders, so far as the same are now in force, and consistent with these orders, are to remain in full force and effect.

XLII. The one hundred and twenty-ninth of the General Orders of the 30th day of May, 1853, shall apply to these orders in the same manner as it would have applied had these orders been incorporated with and formed part of the said orders of the 30th day of May, 1853.

XLIII. These orders shall take effect on and after the 1st day of August, 1855.

16*th July*, 1855.

(Signed) HARROWBY,
J. L. KNIGHT BRUCE, L.J.
W. M. JAMES.

Schedules referred to by the 8th of the foregoing Orders.

FIRST SCHEDULE.

Form of Summons.

In Chancery of the County Palatine of Lancaster.

BETWEEN

LET all parties concerned attend at my office on the day of 185 , at of the clock in the noon, on the hearing of an application on the part of that the do within days after service of the order to be made on this application, make and file a full and sufficient affidavit stating whether he has or has had in his possession or power any, and if any what, documents relating to the matters in question in this suit, and accounting for the same; And that the said do produce and leave with the Registrar such of the deeds, books, papers, letters, accounts, and other documents, as by such affidavit shall appear to be in his possession or power, except such of the same (if any) as he may by his said affidavit object to produce; and that the said solicitors or agents may be at liberty to inspect and peruse the same, and take copies or abstracts thereof or extracts therefrom.

Dated this day of 185

This summons was taken out by of solicitor for

To

SECOND SCHEDULE.

Form of Order.

In Chancery of the County Palatine of Lancaster.

BETWEEN

Upon the application of the solicitor for the [*plaintiff or defendant, as the case may be*] It is ordered that the [*defendant or plaintiff, as the case may be*] do, within four days from the service of this Order, make and file a full and sufficient affidavit, stating whether he has or has had in his possession or power any, and if any what, documents relating to the matters in question in this suit, and accounting for the same: And it is ordered that the said [defendant or plaintiff] do, within four days after service of this Order, produce and leave with the District Registrar such of the said documents as by such affidavit shall appear to be in his possession or power, except such of the same (if any) as he may by his said affidavit object to produce and leave as aforesaid: And it is ordered that the said [defendant or plaintiff] do at all seasonable times, upon reasonable notice, produce at the office of [his solicitor] at

If order be for production at the Registrar's office, thus.

If at the Solicitor's office, thus.

such other of the said documents as by such affidavit shall appear to be in his possession or power, except such of the same (if any) as he may by his said affidavit object to produce: And it is ordered that the said [plaintiff or defendant] his solicitor or agent be at liberty to inspect and peruse the documents so produced, and to take copies thereof, and abstracts and extracts therefrom, as the [plaintiff or defendant] shall be advised, at his expense: And it is ordered that the said [defendant or plaintiff or Registrar, *as the case may be*] do produce the same before any examiner of this Court, and at the hearing of this cause, as the said [plaintiff or defendant] shall require. And the said [plaintiff or defendant] is to be at liberty to make such further application as to all or any of the documents mentioned in the said affidavit as he may be advised.

GENERAL RULES AND ORDERS.

GENERAL RULES AND ORDERS

RELATING TO THE

DISTRICT REGISTRARS' AND SUITORS' FUND.

ORDER OF COURT, 23RD JUNE, 1853.

THE Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Esquire, Vice-Chancellor of the said County Palatine, and of the Honourable Sir William Page Wood, Knight, one of the Vice-Chancellors of the High Court of Chancery, named for this purpose by writing under the hand of the Right Honourable Robert Monsey, Baron Cranworth, Lord High Chancellor of Great Britain, doth hereby, in pursuance of the powers and authorities in this behalf, given to the said Chancellor by an Act of Parliament, passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the practice and proceedings of the Court of Chancery of the County Palatine of Lancaster," and in pursuance and execution of all other powers and authorities enabling him in this behalf, order and direct that all the Orders hereinafter set forth shall henceforth be and become Orders of the Court of Chancery of

the County Palatine of Lancaster, (that is to say), after any appointment of any District Registrar, such District Registrar shall have a distinct seal of office, to be approved of by the Chancellor of the Duchy and County Palatine, and all writs of subpœna, and all other writs whatsoever in any suit or matter referred to or transacted by or in the office of such District Registrar, shall be issued by such District Registrar, tested on the day of issuing, and authenticated by the seal of office of such district, and such seal shall have the like force and efficacy as the seal of the Registrar of the Court of Chancery of the County Palatine of Lancaster.

(Signed) EDWARD STRUTT.
W. M. JAMES.
W. P. WOOD.

LIVERPOOL DISTRICT.

ORDERS OF COURT, 23RD JUNE, 1853.

THE Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Esquire, Vice-Chancellor of the said County Palatine, doth hereby in pursuance and execution of the powers and authorities in this behalf given to the said Chancellor, by an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to Amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," and in pursuance and execution of all other powers and authorities enabling him in

this behalf, order and direct that the Rules, Orders, and Regulations hereinafter set forth shall henceforth be, and become, Rules, Orders, and Rugulations of the Court of Chancery of the County Palatine of Lancaster, (that is to say):—

That all matters in, or in respect of, suits and proceedings which shall after the 1st day of July, one thousand eight hundred and fifty-three, be instituted or originated by any solicitor or suitor, whose place of address for service shall be within any district already or hereafter to be assigned to any District Registrar, and which if no such district Registrar had been appointed might have been transacted by or in the office of the Registrar of the Court, shall henceforth be transacted by or in the office of the District Registrar of such district; and the Court doth hereby refer the same to every such District Registrar accordingly: Provided always that the power of the Court to make any special order in reference to the matters aforesaid shall not be hereby affected.

That the same fees shall be received by every District Registrar upon or in respect of all matters transacted by him or in his office as would be payable and paid to the Registrar upon or in respect of such matters.

That all the provisions contained in the above-mentioned Act of Parliament, which have reference to the subject matters following, (that is to say,) to the making out by the Registrar of an account of all fees received by him by virtue of his appointment, to the auditing and allowance of such account by the Vice-Chancellor, to the transmission of a duplicate copy of such account to the auditor for the time being of the Duchy of Lancaster, and to the payment into the Court to the Fee Fund account of the fees which by such account shall appear to be due from the Registrar, shall be and they are hereby made applicable to the appointment of every such District Registrar as aforesaid, and to the fees received by him by virtue of his appointment, with the exceptions following, that is to say, there shall not be any such charge or allowance in the account

of any such district Registrar, as by section 30 of the said Act of Parliament is directed to be made in the account of the Registrar, except for stationery and reasonable stationers' charges for making copies, and further every such District Registrar shall pay into Court to the Fee Fund account one-third only of the amount of fees appearing to have been received by him upon the foot of his account, and not the total thereof; and he shall retain for himself, and for all other, the necessary expenses of his office, the other two-thirds.

(Signed) EDWARD STRUTT.
W. M. JAMES.

APPOINTMENT OF REGISTRAR OF THE LIVERPOOL DISTRICT.

This, and the appointment of the Registrar of the Preston District (see post), can scarcely be called General Orders, but they are inserted as being equally material to a right understanding of the practice.

In pursuance of the power and authority vested in me in this behalf by an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to Amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," and of all other powers and authorities enabling me in this behalf, I, the Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, do, by this writing under my hand, appoint James Winckworth Winstanley, of Lincoln's Inn, Esquire, Barrister-at-Law, to act

as a District Registrar of the said Court of Chancery of the said County Palatine during the pleasure of the Chancellor for the time being of the said Duchy and County Palatine: And I assign to him the district hereinafter mentioned, that is to say, such parts of the said County Palatine as are situate within the hundreds of West Derby and Salford respectively, except the townships comprised within the Wigan Poor Law Union, and such district shall be called the Liverpool District. Dated this twenty-third day of June, one thousand eight hundred and fifty-three.

(Signed) EDWARD STRUTT.

APPOINTMENT OF THE REGISTRAR OF THE PRESTON DISTRICT.

WHEREAS by writing under my hand, dated the twenty-third day of this instant month of June, I have appointed James Winckworth Winstanley, Esq., to be District Registrar of the Chancery of the County Palatine, and I have assigned to him the district therein mentioned. And whereas I have directed that he should receive the fees therein mentioned in respect of the business therein mentioned to be transacted by him and in his office: Now I do hereby direct that so much of the County Palatine as is not included in the district so assigned to the said J. W. Winstanley shall continue to be and be the district of Peter Catterall, Esq., the present Registrar of the said Court, and so far as may be necessary do appoint him to be the Registrar of such district as well as principal Registrar of the said Court,

and to transact the business thereof, and do direct that he shall continue to receive and shall receive all fees and emoluments in respect of the business transacted by him and in his office, and do assign to him for his own emolument and for defraying the charges of his establishment, all allowances, if any, made by the bankers at Preston for the balance in their hands, and all fees legally receivable by him in and on account of his office, (other than those receivable by the said J. W. Winstanley or other the Registrar or Registrars for the time being of the district so assigned to the said James W. Winstanley as aforesaid,) and subject to the payment thereout of the sum of one hundred pounds now payable by him thereout under the Regulation of 9th February, 1846: And I do direct that the net amount of the said fees and emoluments shall be annually paid to or received by him as a further salary and in addition to the salary of £200 per annum assigned to him by my Warrant dated the 22nd day of this instant month of June.

Dated this 24th day of June, 1853.

(Signed) EDWARD STRUTT.

This appointment is inserted for the purpose of showing the creation of the Preston District. The appointment of the present District Registrar, Joseph Catterall, Esq., to succeed Peter Catterall, Esq., in the office of District Registrar, reserves to the Principal Registrar the taxation of costs and the management of the Suitors' Fund in the Preston District.

LIVERPOOL DISTRICT.

REGULATIONS AS TO DISTRICT REGISTRAR AND FEE FUND.

25TH JUNE, 1853.

The 3rd, 4th, 5th, 6th, 7th and 8th of these Regulations were discharged by the Regulations of 1st June, 1854, and are therefore omitted.

I. The District Registrar shall not in his own name, or in the name of any partner, transact any business in any of the Courts of the County Palatine of Lancaster, as attorney or solicitor, or as agent for any attorney or solicitor, nor practise as a barrister or conveyancer.

II. In order to ensure a regular control over the funds of the suitors, all receipts and payments of suitors' monies shall be checked by a Comptroller for the District, to be remunerated by the Duchy, out of the fee fund, with a salary to be hereafter fixed by the Chancellor.

IX. The dividends on the stock invested in the joint names of the District Registrar, Comptroller and Clerk of the Council, shall be receivable by the London Banker aforesaid, under a standing power of attorney, which shall be executed to him for that purpose by the said District Registrar, Comptroller and Clerk of the Council, and all such dividends shall be forthwith remitted to the Bank at Liverpool, to be there carried to the said joint account of the District Registrar and Comptroller for the immediate use of the persons entitled thereto from time to time.

X. The District Registrar shall give bond for the faithful and accurate discharge of the duties of his office, and the observance of these regulations. The bond of the District Registrar shall be with one or more sureties, and shall be conditioned for £3000.

XI. In case of illness or reasonable absence, the District Registrar or Comptroller may act by a clerk to be specially named to and approved of by the Chancellor of the Duchy for that purpose.

XII. These Regulations are, so far as relates to the District of Liverpool, substituted for the Regulations of 9th February, 1846.

(Signed) EDWARD STRUTT.

LIVERPOOL DISTRICT.

REGULATIONS AS TO SUITORS' FUND.

1st June, 1854.

I. An account to be called "The Chancery of Lancashire Suitors' Fund Account" shall be kept in the joint names of the Clerk of the Council of the Duchy of Lancaster and of the District Registrar and Comptroller, with the Branch Bank of England at Liverpool, through which Bank alone all payments into and out of Court shall be made.

II. No money shall be received by the Bank without a written authority signed by the District Registrar, who is to provide the Bank with a form of receipt for each sum so ordered to be paid, which receipt shall on payment of such sum into the said Bank

be signed by the agent or cashier of the Bank and delivered to the party making the payment, who is to leave the same at the office of the District Registrar, and such party shall thereupon be entitled, without fee, to a certificate signed by the District Registrar and Comptroller of such payment having been made, which certificate shall be a full acquittance. Such forms of authorities' receipts and certificates shall be provided, printed in blank, and kept at the office of the Registrar in a book or books, in which they shall be numbered consecutively, and from which they shall be cut out as required, and a proper minute or note shall be made on the end or counterpart of the document issued containing all proper particulars.

III. No check shall be paid the Bank unless signed by the Clerk of the Council of the Duchy of Lancaster and by the District Registrar and Comptroller.

IV. The Comptroller, before he signs the same, shall satisfy himself by examination of the proceedings in the cause, and by such other means as may be necessary for that purpose, that such suitor or other person is regularly entitled to such check.

V. All orders for the payment of money requiring the signature of the Vice-Chancellor shall be transmitted for such signature through the Clerk of the Council, and with every such order shall be sent a duplicate of the ordering part, to be also signed by the Vice-Chancellor and preserved at the council office of the Duchy: And the Clerk of the Council shall, before he signs any check, see that the same is authorised by such order.

VI. On the first Tuesday in every month all the checks which the said Bank shall have paid upon the said joint account up to the hour of closing in the evening of the preceeding Saturday shall be transmitted to the Duchy office by the District Registrar, through the post, together with a certificate under the hand of some

authorised officer of the said Bank, stating the balance remaining in that bank, at the period of closing aforesaid, which certificate shall be signed by the District Registrar, and countersigned by the Comptroller, and the Registrar shall at the same time send up a statement of all the monies paid in up to the same time.

VII. All monies which shall be directed to be invested shall be so invested in the joint names of the District Registrar, Comptroller and Clerk of the Council, and whenever any of the stocks, funds, or securities arising from such investment shall, by order of the Court, be ordered to be sold or transferred, every such sale or transfer shall be made under a power of attorney, to be signed by the District Registrar and Comptroller, and by the Clerk of the Council, to some duly authorised agent of the said Bank, who, in every case of a sale, shall cause to be remitted the clear produce of such sale to the said Branch Bank of England, at Liverpool, to be carried to the said joint account of the Clerk of the Council, District Registrar and Comptroller there.

VIII. All dividends on the stock invested in the joint names of the District Registrar, Comptroller and Clerk of the Council, shall be receivable by some duly authorised agent of the said bank, under a standing power of attorney, which shall be executed to him for that purpose by the said District Registrar, Comptroller and Clerk of the Council, and all such dividends shall be forthwith remitted to the Branch Bank of England, at Liverpool, to be there carried to the said joint account of the Clerk of the Council, District Registrar and Comptroller.

IX. These Regulations are substituted for the Regulations numbered respectively, 3, 4, 5, 6, 7, 8 and 9 of the twenty-fifth day of June, one thousand eight hundred and fifty-three.

EDWARD STRUTT,
Chancellor.

GENERAL ORDERS

OF THE

CHANCERY OF THE COUNTY PALATINE OF LANCASTER,

RELATING TO FEES.

GENERAL ORDER, JULY 17TH, 1851.

I, the Right Hon. George William Frederick, Earl of Carlisle, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful Sir William Page Wood, Vice-Chancellor of the said County Palatine, do hereby, in pursuance of an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the practice and proceedings of the Court of Chancery of the County Palatine of Lancaster," direct, that until further order, the fees contained in the table hereto subjoined, and the several schedules thereof, shall be paid by the suitors of the said Court, and allowed to and charged by the officers and solicitors of the Court; and also that the fee in that behalf, mentioned in the 3rd Schedule, shall be paid by the solicitors of the Court on their admission.

In the CHANCERY of the COUNTY PALATINE of LANCASTER.

TABLE of FEES to be paid by suitors in the said Court, and to be charged and allowed by and to the officers and solicitors of the Court respectively; and also of fees to be paid by the solicitors practising in the said Court on their admission.

This order having been revoked as to the fees in Schedule 1, except in suits and matters pending on the 30th June, 1853, that Schedule is omitted.

SCHEDULE 2.

SOLICITOR'S FEES.

	£	s.	d.
Instructions to sue...	0	6	8
Preparing subpœna and attending to obtain seal ...	0	6	8
Attending, taking instructions for bills, answers, interrogatories and examinations, each	0	13	4
Attending, taking instructions for special affidavit ...	0	6	8
For drawing bills, answers, interrogatories and affidavits, per folio of 90 words, including fair copy ...	0	1	0
For engrossing same on parchment...	0	0	6
For engrossing affidavits on paper	0	0	4
For fair copies of all pleadings upon record, of 90 words per folio	0	0	4
For abbreviating the same, per folio	0	0	4
For fair copies of all briefs, per brief sheet... ...	0	3	4
For attending each counsel with briefs, for hearing of a cause, and on special petitions and motions ...	0	6	8
For attending counsel with instructions, and the registrar to draw up order, and entering on common petitions and motions of course	0	6	8
For attending registrar to present every special petition, and afterwards for same	0	6	8

	£.	s.	d.
For attending the Court every day on which a cause or petition is in the paper	0	10	0
Attending when heard, or when in the paper after being part heard	0	13	4
For solicitor's journey to attend the hearing (when necessary), if not resident in the town where the Court sits, per diem, besides travelling expenses ...	2	2	0
If attended by agent not so resident	1	1	0
For attending the Court on every special motion, whether heard or not, each day	0	13	4
For copy of every order, petition, warrant or special notice, not exceeding three folios, and service on a solicitor or agent	0	3	6
The like on a party	0	10	0
For each additional folio after the first three	0	0	4
Notice of examination of each witness, copy and service	0	2	6
Every other common notice, copy and service... ...	0	2	6
For attending defendants on their being served with subpœna, and taking instructions to appear ..	0	6	8
For attending at the public office to get messenger sworn upon the return of all commissions	0	6	8
For attending every witness to be sworn and examined before the registrar as examiner	0	6	8
Attending with defendant or deponent to get answer or special affidavit sworn	0	6	8
For attendance on every warrant of summons ...	0	6	8
For every attendance on the registrar for directions to the accountant general to sell or transfer stock ...	0	6	8
For drawing request to the registrar to lay out cash on each fund	0	2	6
Attending on registrar to lay out cash on each fund...	0	6	8
For every attendance at the Bank to pay in money, and afterwards on registrar to file banker's receipt	0	13	4
For attendance on the registrar to settle minutes of decrees and decretal orders	0	13	4
For attending the registrar on settling decrees, examining and passing same, and orders on further directions	0	13	4

	£.	s.	d.
For attending the registrar on passing all other special orders	0	6	8
For attending to leave decrees and decretal orders to be entered, examining and taking same away ...	0	6	8
For attending to file special reports, and afterwards for the copy	0	6	8
For attending to name commissioners for the examination of witnesses for the solicitor who has not charge of the commission	0	6	8
Drawing notice of taking answer or examination and copy	0	3	6
Attending commissioner to sign same	0	6	8
Service thereof, not exceeding two miles	0	6	8
Service thereof at a greater distance than two miles, 1*s.* per mile, but not to exceed £1 1*s.*			
For attending to take answers or examinations of parties, each commissioner	0	13	4
For attending the registrar or commissioner on the examination of witnesses, per day	2	2	0
To each commissioner, per day	3	3	0
If the commission be executed where the commissioner does not reside, for his expenses each day during his absence from home	2	2	0
Mileage for each mile travelling to and from his residence	0	0	9
For registrar's or commissioner's clerk, or engrossing clerk	0	15	0
For attending to read over engrossment of answers or examination or affidavits, previous to being sworn, if the same does not exceed 20 folios	0	6	8
For every additional 50 folios	0	6	8
For attending the registrar, for every certificate to be signed by him, and for filing same	0	6	8
Drawing instructions for all advertisements to be signed by the registrar, and afterwards for same	0	6	8
Attending to get same inserted in Gazette ...	0	6	8
Like in each country newspaper	0	6	8

	£.	s.	d.
For drawing out caveat against signing and enrolling every decree and order	0	2	6
Attending entering caveat with the registrar	0	6	8
For perusing abstracts, every three brief sheets of eight folios	0	6	8
For perusing the draft of every deed, for every skin of 1,080 words, and the broken part of a skin	0	5	0
For examining the engrossment with the draft, for every skin and the broken part of a skin... ...	0	3	4
For making all attested copies, and examining and attesting same, per folio, exclusive of stamps and paper	0	0	6
Instructions for every special petition	0	6	8
Drawing same, per folio, and fair copy	0	1	0
Engrossing, per folio	0	0	4
Copies to serve	0	0	4
For drawing special notices of motion, if not exceeding three folios	0	2	0
For each additional folio	0	0	8
For each copy, per folio	0	0	4
For each service	0	2	6
For drawing charges and discharges, states of facts, particulars and conditions of sale, and bill of costs, and fair copy for registrar, per folio	0	0	8
Term fee	0	10	0
Letters and messengers, per term	0	5	0
For preparing every writ without order	0	6	8
For preparing every writ under order, except special injunctions	0	13	4
For preparing special injunction, including engrossment and docket, per folio	0	1	4
Parchment (as paid).			

On Claims.

For instructions to sue or defend	0	6	8
For instructions for every claim...	0	13	4
For preparing and filing a claim	2	2	0

	£.	s.	d.
Counsel's fee (if necessarily incurred).			
For preparing a writ of summons	0	13	4
For each writ after the first	0	6	8
For engrossing claims and writs, per folio	0	0	6
Parchment (as paid).			
For each copy of writ to serve, per folio	0	0	4
For the brief to counsel to move for leave to file a claim (inclusive of a copy of the claim for counsel and the court)	0	10	0
For the brief and instructions to counsel on the hearing (exclusive of any necessary copies)	1	0	0
For taking instructions to appear, and for entering appearance for one or more defendants, if not exceeding three	0	13	4
If exceeding three, and not more than six, an additional sum of	0	6	8
If exceeding six, for every number not exceeding three, an additional sum of	0	6	8
For settling minutes, passing and entering order on hearing the same, charges as on a decretal order.			
For drawing a caveat	0	2	6
For attending entering a caveat	0	6	8
For procuring certificate of no caveat	0	6	8
For term fee as in a suit, and all such other fees as by the practice of the Court they are entitled to, save such as are varied or rendered unnecessary by the present Orders, and all fees authorised to be taken by solicitors for like business done in the High Court of Chancery.			

SCHEDULE 3.

FEES to be received by the REGISTRAR, and to be carried to the Fee Fund Account, pursuant to Statute 13 & 14 Vict. c. 43.

	£	*s.*	*d.*
From every attorney or solicitor desirous of practising in this Court, on the entry of his name with the Registrar...	2	0	0
On every fiat for a commission to swear affidavits...	0	4	0
On every other fiat	0	6	6
On every decree or decretal order, and on every order on the hearing of a claim on a special case ...	1	0	0
On every order on the hearing of a petition	0	10	0
On every order on motion	0	5	0
On answering every petition	0	2	0
On every order for time to answer	0	2	0

(Signed) CARLISLE.
WILLIAM PAGE WOOD.

Dated this 17*th day of July*, 1851.

ORDER OF COURT.

(FEES.)

August 6th, 1851.

I, the Right Honourable George William Frederick, Earl of Carlisle, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful Sir William Page Wood, Vice-Chancellor of the said County Palatine, do hereby, in pursuance of an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the practice and proceedings of the Court of Chancery of the County Palatine of Lancaster," order that in addition to the fees directed to be paid by the suitors of the said Court and allowed to and charged by the officers and solicitors of the said Court, by my Order, dated the 17th July, 1851, there shall be paid to the Registrar of the said Court the sum of eightpence per folio for entering every report pursuant to Order No. 192, made on the 20th day of June, 1851, and for stationery for the same, and to the solicitors of the Court a term fee, and all such other fees as by the practice of the Court they are entitled to (save such as are varied or rendered unnecessary by the said Orders of the 20th day of June, 1851), and all fees authorised to be taken by solicitors for like business done in the High Court of Chancery.

CARLISLE,
W. P. WOOD.

Dated this 6th day of August, 1851.

ORDER OF COURT.

(FEES.)

JUNE 30, 1853.

I, the Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Vice-Chancellor of the said County Palatine, do hereby, in pursuance of an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the practice and proceedings of the Court of Chancery of the County Palatine of Lancaster, and of all other powers and authorities enabling me in this behalf, revoke and make void the Order of this Court dated the 17th day of July, 1851, except as to the fees mentioned in the 3rd Schedule to the table of fees thereto subjoined, and except as to existing suits and pending matters; and also revoke and make void the Order of this Court, dated the 6th day of August, 1851, as to fees on office copies, thereby made payable to the Registrar (except as to existing suits and pending matters), and direct that until further order, in addition to the fees mentioned in the said third Schedule, the fees specified in the Schedule hereto subjoined shall be paid by the suitors of the said Court, to the Registrar, or District Registrar, or his Deputy: And further, that until further order in all cases of any business or thing transacted or done in or with reference to any suit or proceeding in the said Court, in which, by reason of the change in the practice of the Court, the existing scale of fees to be allowed to the solicitors of the Court, shall be inapplicable, the same fees and allowances shall be allowed and made to the solicitors of the Court as would have been allowed or made to them according to the Rules, Orders, and Regulations for the time being of the High Court of Chancery, and the practice of such Court, had the suit or

matter in or with reference to which such business or thing had been transacted or done been in the said High Court.

But the Orders are not to apply to suits and matters now existing and pending, in which, until further order, the fees are to be taken under, and according to the Orders hereinbefore revoked and the existing practice of the Court.

(Signed) EDWARD STRUTT.
W. M. JAMES.

June 30th, 1853.

SCHEDULE REFERRED TO BY THE FOREGOING ORDER.

	£	s.	d.
For filing every bill, or information	1	0	0
For filing every claim...	0	5	0
For filing every petition under the 10th section of the said Act	1	0	0
For every summons for the purpose of originating proceedings in the Court	0	5	0
For every duplicate thereof	0	5	0
For stamping every copy thereof	0	5	0
For stamping every copy of a bill or claim to be served	0	5	0
Upon entering every appearance of not more than three defendants	0	7	0
If more than three defendants and not exceeding six defendants	0	14	0
And in the same proportion for every number of defendants.			
For filing interrogatories	0	7	0
For examining every copy or part of a copy of interrogatories, and marking the same as an office copy ...	0	5	0
For sealing an attachment or distringas for not appearing or answering	0	8	0

	£	s.	d.
For every other distringas and for every subpœna ...	0	5	0
For sealing every other writ...	1	0	0
For every order made by the registrar or district registrar upon applications for time to plead, answer or demur for leave to amend bills or claims, or for enlarging publication, or the period for closing evidence, or for production of documents or applications relating to the conduct of suits or matters...	0	5	0
For amending every record of any bill or claim ...	0	10	0
For amending every office copy thereof	0	5	0
For answering every petition	1	0	0
For every oath, affirmation, declaration, or attestation upon honour	0	1	6
For filing every affidavit with or without schedules or other papers thereto annexed, including exhibits, if any	0	2	6
Upon every application to inspect an affidavit ...	0	0	6
Upon any application to attend an invalid for the purpose of administering an oath, including the attendance	0	10	0
For every witness sworn and examined, including oath	0	10	0
For every hour or part of an hour after the first hour, a further fee of	0	10	0
For every witness sworn and examined abroad (besides coach-hire and reasonable expenses)	1	7	0
If more than five miles from the registrar's or district registrar's office, for the first day	2	15	0
For every other day	2	2	0
Upon every application to search book for depositions, including search	0	1	0
Upon every application to inspect deposition, including the inspection	0	3	0
Upon every application to examine copies of depositions, with record to prove on trial at law ...	0	5	0
Upon every application to search book for causes, including search	0	1	0
For every decree or decretal order on the hearing of a cause commenced by bill or information, or on further			

	£	s.	d.
directions, and on the hearing of a petition presented under the 10th sec. of the said Act, including the Court fee and the charge for entry	4	4	0
For every order on the hearing of the claim summons originating proceedings in the Court—pleas, demurrers, exceptions, or on petitions of appeal, re-hearing for injunctions, receivers, and for writs of *ne exeat regno*, and on the hearing of any petition not being a cause petition	2	0	0
For every order on motion of course, including the entry thereof	0	5	0
For every order for transfer, or payment out of Court of an amount not exceeding £200, stock, or cash, or interest on stock not exceeding £10 per annum, and for every order on petition when the petition is dismissed	0	10	0
For every order for transfer, or payment out of Court of an amount exceeding £200, stock, or cash, or interest on stock exceeding £10 per annum, and for every order not herein otherwise specified, whether made by the judge, or the registrar, or the district registrar	1	0	0
For every office copy of a petition of appeal or rehearing	1	0	0
For every office copy of a decree or order	1	0	0
For every summons or warrant	0	3	0
For every advertisement	1	0	0
For investigating every title, and perusing the abstract thereof, upon the first 25 folios	0	6	8
And upon every succeeding 25 folios thereof	0	3	4
For perusing and settling the draft of every deed or other document, set of conditions of sale or purchase, and of any property sold in Court	1	10	0
For every hour in which the registrar or district registrar is employed upon any matter referred to him	0	10	0
For every journey to Lancaster to make a search, besides mileage and expenses	2	2	0

	£	s.	d.
For every certificate under the tenth section of the said act	1	0	0
For every other certificate or report not made under any special order of the Court	0	4	0
For every certificate or report not herein otherwise specified	1	0	0
For every certificate upon the passing of a receiver's and consignee's account, a further fee in respect of each £100 received of	0	10	0
For all office copies, and for copies of documents left as exhibits, per folio	0	0	4
Upon every application for a search for a report ...	0	0	6
Upon every application for a search for a record, and searching	0	2	0
Upon every application to inspect a record, and for inspecting same	0	5	0
Upon every application to inspect exhibits, if occupied not more than an hour	0	5	0
If more than one hour, per diem	0	10	0
Upon every application for a search not herein otherwise specified	0	5	0
For examining and signing enrolments of decrees and orders	3	0	0
For filing caveat against claim to revive, or against decree, or order, or enrolment...	0	5	0
For filing supplemental statement, or statement of revivor	0	10	0
Upon the certificate of every bill of costs as taxed, when the amount shall not exceed £20	0	10	0
Upon every addititional £20 or fractional part thereof, a further fee of	0	10	0
For procuring power of attorney for sale of stock, and for procuring the execution thereof by the registrar or district registrar, comptroller, and clerk of the council of the Duchy of Lancaster	1	1	0
For payment out of Court and taking receipt for any moneys except dividends on stock, 5 per cent. on the amount, exclusive of banker's commission.			

	£	s.	d.
For payment out of Court, and taking receipt for dividends on stock not exceeding £10, exclusive of banker's commission	0	2	6
Ditto, above £10 and not exceeding £50	0	3	6
Ditto, above £50 and not exceeding £100	0	5	0
Ditto, above £100 and not exceeding £150 ...	0	7	6
Ditto, above £150	0	10	0
For procuring the investment of monies in consols 5s. per cent. on the amount invested, exclusive of banker's and broker's commission.			
For certificate of monies or stock in Court ...	0	5	0
For certificate to stamp office	0	5	0
For attending every sale	3	3	0
If the sale be elsewhere than at the office of the registrar or district registrar, for every day in which he is necessarily and without any default of his own detained from home, for his expenses the further sum of	2	2	0
Besides the actual mileage expenses of the journey to and fro.			

(Signed) EDWARD STRUTT.
W. M. JAMES.

30th June, 1853.

ORDER OF COURT.

(FEES.)

JUNE 1, 1854.

I, the Right Honourable Edward Strutt, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Vice-Chancellor of the said County Palatine, do hereby in pursuance of an Act of Parliament passed in the Session of Parliament held in the 13th and 14th years of the reign of her present Majesty, intituled "An Act to amend the practice and proceedings of the Court of Chancery of the County Palatine of Lancaster," and of all other powers and authorities enabling me in this behalf, order and direct that from and after the 15th day of June, 1854, the fees mentioned in the first Schedule hereto subjoined, except such as are mentioned in the second Schedule hereto subjoined, shall be abolished; and that until further order, in addition to the fees now payable under the General Orders of this Court, other than those mentioned in the first Schedule hereto subjoined, the fees specified in the second Schedule hereto subjoined, shall be paid by the suitors of the said Court, to the Registrar or District-Registrar or his Deputy, and that there shall be paid by the suitors of the said Court to the Clerk of the Vice-Chancellor, for every cause, matter, or application heard in the Chambers of the Vice-Chancellor, in London, the sum of Five Shillings. And further, that until further order, the minimum fee to be paid by the suitors of the said Court and allowed to the solicitors thereof for drawing a Bill, shall be £2. 2s., and the fees mentioned in the second Schedule of the Table of Fees subjoined to the General Order of this Court, dated the 17th day of July,

1851, shall be paid by the suitors of the said Court, and allowed to and charged by the solicitors of the said Court; but in all cases of any business or thing transacted or done in or with reference to any suit or proceeding in the said Court, in which by reason of the change in the practice of the Court the existing Scale of Fees to be allowed to the Solicitors of the Court shall be inapplicable; the same fees and allowances shall be paid and allowed to the solicitors of the Court as would have been paid or allowed to them according to the Rules, Orders, and Regulations for the time being of the high Court of Chancery and the practice of such Court, had the suit or matter in or with reference to which such business or thing had been transacted or done been in the said High Court: And further, do revoke and make void the General Order of this Court dated the 30th day of June last, as to Fees, so far as the same Order is contrary to this present Order; but this Order is not to apply to any suit or matter to which the said Order of the 30th day of June last was inapplicable.

Dated this 1st day of June, 1854.

(Signed) EDWARD STRUTT,
W. M. JAMES, Vice-Chancellor.

FIRST SCHEDULE,

REFERRED TO BY THE FOREGOING ORDER.

	£	*s.*	*d.*
For filing every petition, under the 10th section of the said Act	1	0	0
For filing interrogatories	0	7	0
For every order made by the registrar or district registrar, upon applications for time to plead answer or			

	£	s.	d.
demur, for leave to amend bills or claims, or for enlarging publication, or the period of closing evidence, or for production of documents, or applications relating to the conduct of suits or matters	0	5	0
For every oath, affirmation, declaration, or attestation upon honour...	0	1	6
For every witness sworn and examined, including oath	0	10	0
For every hour, or part of an hour, after the first hour, a further fee of	0	10	0
For every witness sworn and examined abroad (besides coach-hire and reasonable expenses)	1	7	0
If more than five miles from the registrar's or district registrar's office, for the first day...	2	15	0
For every other day	2	2	0
For every decree or decretal order on the hearing of a cause commenced by bill or information, or on further directions, and on the hearing of a petition presented under the 10th section of the said Act, including the Court fee and the charge for entry	4	4	0
For every order on the hearings of claims, summons originating proceedings in the Court, pleas, demurrers, exceptions, or on petitions of appeal, rehearing for injunctions, receivers, and for writs of *ne exeat regno*, and on the hearing of any petition not being a cause petition	2	0	0
For every order on motions of course, including the entry thereof	0	5	0
For every order for transfer or payment out of Court of an amount not exceeding £200, stock, or cash, or interest on stock not exceeding £10 per annum, and for every order on petition when the petition is dismissed	0	10	0
For every order for transfer or payment out of Court of an amount exceeding £200, stock, or cash, or interest on stock exceeding £10 per annum, and for every order not herein otherwise specified, whether made by the judge, or registrar, or district registrar	1	0	0
For every office copy of a decree or order	1	0	0

	£.	s.	d.
For attending every sale	3	3	0
If the sale be elsewhere than at the office of the registrar or district registrar, for every day in which he is necessarily and without any default of his own detained from home, for his expenses the further sum of	2	2	0

Besides the actual mileage expenses of the journey to and fro.

(Signed) EDWARD STRUTT,
W. M. JAMES, V. C.

SECOND SCHEDULE

REFERRED TO BY THE FOREGOING ORDER.

	£	s.	d.
For filing every plea, demurrer, answer, disclaimer, replication, and set of exceptions and of interrogatories	0	5	0
For every oath, affirmation, or declaration, or attestation upon honour	0	1	0
For making every exhibit, as referred to by any affidavit or affirmation, at the time of the swearing or attestation thereof	0	1	0
For every witness sworn and examined for the purpose only of proving the service of any warrant, including oath	0	2	6
For every other witness sworn and examined, including oath	0	10	0
For every hour or part of an hour, after the first hour, a further fee of	0	10	0
For every decree or decretal order, and for every order on the hearing of a petition presented under the 10th section of the said Act...	3	0	0
When made in two or more causes, the additional fee for every cause after the first of	1	0	0

	£	s.	d.
For every order on the hearing of pleas, demurrers, motions to discharge or vary reports or certificates, or on petitions of appeal, rehearing for injunctions, receivers, and for writs of *ne exeat regno*, and on the hearing of any petition, not being a cause petition...	2	0	0
For every order of course, and for every order giving leave to serve a notice of motion, and for every order made by the registrar or district registrar ...	0	5	0
For every order not herein otherwise specified... ...	1	0	0
The above fees on decrees and orders are payable for pronouncing the same, and whether they be drawn up or not.			
For every office copy of a decree or order, except an office copy taken by a party in consequence of the decree or order itself being retained by the registrar or district registrar...	1	0	0
For attending every sale...	2	2	0
When more than six lots, then (in addition) his fee for time.			
Whenever the registrar or district registrar shall be required to attend elsewhere than at his office for any purpose whatsoever, other than at a sale, or for the purpose of administering an oath to an invalid (in addition to any other fee payable)	1	0	0
And whenever the registrar or district registrar shall be required to attend at a distance of more than one mile from his office for any purpose whatsoever, the additional sum for every mile and fraction of a mile from and to his office (including expenses) of...	0	1	0

(Signed) EDWARD STRUTT,
W. M. J., V. C.

ORDER OF COURT.

(FEES.)

27TH NOVEMBER, 1854.

I, the Right Honourable Granville George Earl Granville, Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of the Worshipful William Milbourne James, Vice-Chancellor of the said County Palatine, do hereby, in pursuance of the Court of Chancery of Lancaster Act, 1850, and of all other powers and authorities enabling me in this behalf, order and direct as follows (that is to say)—

1. In computing the Fees to be charged and allowed by and to the officers and solicitors of this Court by the folio, the length of the folio shall always be computed according to the rules and practice for the time being of the High Court of Chancery at Westminster in that behalf, and the same Fees shall be respectively payable for every folio so computed as are now respectively payable per folio according to the present mode of computing the same.

2. In all cases not otherwise expressly provided for, the same Fees shall be charged by and allowed to the solicitors of this Court as, according to the rules and practice of the High Court of Chancery at Westminster, are charged by and allowed to the solicitors of that Court.

Dated this twenty-seventh day of November, one thousand eight hundred and fifty-four.

(Signed) GRANVILLE.
W. M. JAMES, V. C. L.

APPENDIX.

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TO THE

ENACTMENTS AND GENERAL ORDERS AFFECTING THE PALATINE COURT,

AND TO THE

CORRESPONDING ENACTMENTS AND ORDERS AFFECTING THE HIGH COURT.

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Act 1854 „ 17 & 18 *Vict. c.* 82.
G. O. 1851 „ *General Orders of* 20*th June*, 1851.
G. O. 1853 „ *General Orders of* 30*th May*, 1853.
G. O. 1855 „ *General Orders of* 16*th July*, 1855.

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
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SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			the High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
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Affidavit sworn out of England but in her majesty's Dominions before Judge, Court, Notary Public or Mayor of H. M. Dominions before H. M. Ambassador Envoy Minister H. M. Consul or his Vice Consul &c

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
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SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
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SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			the High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
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„ decision of majority	„ „	4	....	.....	....	....
„ may make regulations and officers of	„ „	5	....	.....	....	....
„ general jurisdiction of	„ „	2	....	.....	....	....
„ jurisdiction of as to costs	„ „	14	....	.....	....	....
„ „ over persons out of the County	„ „	7	....	.....	....	....
„ „ to transfer causes to High Court	„ „	8	....	.....	....	....
„ „ to order service out of County	„ „	8	....	.....	....	....
„ „ orders of, drawing up	„ „	5	....	.....	....	....
„ „ „ enforcing	„ „	10	....	.....	....	....
„ „ to be recorded in Duchy Office and copies sent to Registrar	G.O. 19 May, 1855	11	....	.....	....	....
„ Solicitors practising in	„ „	13	....	.....	....	....
„ sittings of	„ „	1	....	.....	....	....
„ Ex parte applications to	„ „	6	....	.....	....	....
By motion on notice	„ „	2, 7	....	.....	....	....
„ „ entry of notice	„ „	3, 8	....	.....	....	....
By petition	„ „	4	....	.....	....	....
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„ signature to	„ „	11, 86	....	October, 1842 May, 1845	16 89	....
„ to be presented within six calendar months	Act 1850	16	....			
„ deposit upon and costs	G.O. 1851	211	....	1828	42	....
„ setting down of	19th May, 1855	5	....	.....	....	....
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„ „ under the Act of 1850	Act 1850	35	....	.....	....	....
„ „ of Registrar	G.O. 1855	6, 7	....	May, 1845	33	4
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	„ 1853	7, 8, 9 Sch. B.	....	15 & 16 Vict. c. 86.	3, 4, 5	....
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SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
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In case of defendant's default plaintiff may enter	„ „	29, 32, 44	 3	„ „	29, 32, 16	.... 3, 48
„ „ except in cases of infancy or incapacity.	„ „	30	....	„ „	30	....
Where defendant is an infant or of unsound mind	„ „	31	....	11th April, 1842	2	....
Or is out of the jurisdiction	Act 1850	14	....	.....	....	....
	G O. 1851	33	4	8th May, 1845	33	4
	„ 1855	5	....	„ „	....	....
Applications to enter may be made to Registrar	„ „	7	....	„ „	33	4
Costs of	„ 1851	35	....	„ „	35	....
Defendant may enter notwithstanding appearance entered for him	„ „	36	....	„ „	36	....
Where the defendant is served with unstamped copy bill	„ „	39—43	....	August, 1841	25—29	....
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	„ 1853	8, 9	....	15 & 16 Vict. c. 86.	4, 5	....
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Of fund	G O. 1855	21	....	„ „	43	....
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Defendant meaning to abscond before answer, liable to	„ 1851	65	....	8th May. 1845	72	....
For not answering	„ „	44	13	„ „	16	14—16
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To enforce order	„ „	118	....	20th August, 1841	11	....
				April, 1842	6	....
„ „ for payment or transfer	„ 1821	....	....	.....	....	....
For costs	„ 1791	6	....	.....	....	....
ATTORNEY GENERAL.						
Of County Palatine, when consent required	„ 1851	235	....	.....	....	....
AUTHORITY—*See next Friend—Relator*						

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
BILL.						
"Bill" includes information	G.O. 1851	3	5	.....	....	....
	„ 1853	129	....	7th August, 1852...	48	....
	„ 1855	42	....			
Form of	„ 1853	2, 3	....	15 & 16 Vict. c. 86.	10	....
		Sch. A	....	7th August, 1852...	14 Sch. D	....
Statements and charges to be numbered	„ 1851	154	....	.....	....	....
Preparation and filing of	„ 1853	4, 5	....	15 & 16 Vict. c. 86.	1	....
				7th August, 1852..	1	....
Address for service to be endorsed....	„ 1851	12	....	October, 1842	17, 20	2
Authority of next friend or relator to be filed with	„ 1853	1	....	15 & 16 Vict. c. 86.	11	....
Effect of filing	„ „	8	....	„ „	4	....
As to service of unstamped copies of	„ 1851	37—43	....	26th August, 1841..	23—29	....
	„ „	44	2	8th May, 1845	16	2
„ „ of stamped copy in lieu of subpœna	„ 1853	7, 8	....	15 & 16 Vict. c. 86	3, 4	....
„ „ how effected	„ „	9	....	„ „	5	....
„ „ in what time	„ 1851	44	1	8th May, 1845	16	1
„ „ substituted	„ 1791	4	....	.....	....	....
	„ 1853	9	....	15 & 16 Vict. c. 86.	5	....
„ „ out of jurisdiction	Act of 1850	14	....	.....	....	....
	Act of 1854	8	....	.....	....	....
	G.O. 1851	33	....	May, 1845	33	1, 2, 3,
	„ 1855	2, 3, 4	....	„ „	....	.....
Right of Defendants to copies	„ 1853	10	....	15 & 16 Vict. c. 86.	7	....
				7th August, 1852 ..	6	....
„ „ „ at ½d. per folio..	„ 1855	35	....	„ „	5	....
AMENDMENT OF.						
Application to amend to be made to Registrar	Act of 1850	6	....	3 & 4 Wm. IV. c. 94	13	....
And not to Court except on Appeal	„ „	7	....	„ „	13, 14	....
Order for when and in what cases..	G.O. 1851	44	26, 7	May, 1845	16	32, 33
	„ „	58—64	....	„ „	64—70	....
Time for	„ „	44	28	„ „	16	34
		64	....	„ „	70	....
How made	„ 1853	11 & 12	....	15 & 16 Vict. c. 86.	8	....
				7th August, 1852 ..	7	....
Record to be marked and entry and notice of	„ 1851	176	....	May, 1838	....	....
Defendant's Copy	„ 1853	13	....	7th August, 1852 .	8	....
Supplemental matter may be stated by way of	„ „	80	....	15 & 16 Vict. c. 86.	53	....
Service of amended bill	„ 1851	11, 14, 15	....	October, 1842 ..	16, 19, 21, 22	....
		16, 27	....	8th May, 1845	26	....
	„ 1853	14—16	....	7th August, 1852 ..	9—11	....
Costs of	„ 1851	216, 217	....	1828.....	29—30	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
BILL—*Continued.*						
DISMISSAL OF.						
For want of prosecution	G.O. 1851	64, 68, 69	....	May, 1845	70, 114, 115	....
	„ 1853	44	....	15 & 16 Vict. c. 86.	27	....
				7th August, 1852	29	....
Effect of in certain cases	„ 1851	71	....	May, 1845	117	....
Taking *pro confesso*	1 Wm. IV. c. 36.	3—8	....	.....	....	....
	G.O. 1851.	44	9-13, 42	„ „	16	13-16, 49
	„ „	73—89	....	„ „	76—92	....
Court may direct bill to be filed notwithstanding order on claim	„ „	137	....	22nd April, 1850	15	....
General orders on claims to be without prejudice to filing	„ „	151	....	„ „	31	....
Costs of, where claim would have sufficed	„ „	152	....	„ „	32	....
Note of revivor and supplement substituted for	„ „	165—7	....	.....	....	....
Of revivor and supplement unnecessary	„ 1853	78—80	....	15 & 16 Vict. c. 86.	52, 53	....
				7th August, 1852	43	....
Defendant may file Interrogatories instead of Cross Bill	„ 1851	164	....	.....	....	....
Of Discovery, Costs of	„ „	225	....	8th August, 1845	125	....
CAUSE.						
In what district to be instituted	G.O. June 23, 1853.	....	....	.....	....	....
When at Issue	„ 1851	90	....	8th May, 1845	93	....
Setting down	„ „	44	31-35, 39	May, 1845	16	37-41, 45
„ „ by Defendant	„ „	68—70	....	„ „	114—116	....
„ „ without special order	„ 1855	18	....	4th March, 1853	....	....
Not to be set down on objection for want of parties	„ 1853	67	....	15 & 16 Vict. c. 86.	43	....
Compromise and abatement of to be certified	„ 1851	208	....	1828	39	....
Standing over by default of Solicitor	„ „	207	....	„	36	....
Cost occasioned by being struck out for want of parties	„ „	219	....	„	34	....
Hearing on bill taken *pro confesso*	„ „	78—81	....	8th May, 1845	81—84	....
				3rd June, 1850	1	....
Conduct of	„ „	179—187	....	1828	49—56	....
Transfer of to High Court	Act 1854	8, 9	....	.....	....	....
CAVEAT.						
Against revivor of claim	G.O. 1851	145	....	22nd April, 1850	24	....
CERTIFICATE. *See Report.*						
CHARITIES.						
Administration of	16 & 17 Vict. 137.	29, 35, 37	....	.....	....	....
CLAIM.						
In what cases	G.O. 1851	124, 128	....	22nd April, 1850	1, 6	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art or Rule.	Date.	No.	Art. or Rule.
LAIM—*Continued.*						
But bill may still be filed	G.O. 1851	151	....	22nd April, 1850 ..	31	....
„ subject to question of costs	„ „	152	....	„ „	32	....
Form of	„ „	125	....	„ „	2	....
Parties to	„ „	129, 30	....	„ „	7, 8, 13,	....
		135, 140			18	....
	„ 1853	7 & 8	.....	15 & 16 Vict. c. 86.	3, 4	....
How prepared for filing	„ „	4, 5	....	„ „	1	....
				7th August, 1852 ..	1	....
Effect of, and of proceedings thereunder	„ 1851	131	....	22nd April, 1850 ..	9	....
	„ 1853	8	....	15 & 16 Vict. c. 86.	4	....
Stamping and Service	„ „	7, 8, 9	....	„ „	3, 4, 5,	....
	„ 1851	132	....	22nd April, 1850 ..	10	....
Service out of Jurisdiction	„ 1855	2, 3, 4	....	May, 1845	33	1, 2, 3
„ substituted	„ 1853	9	.....	15 & 16 Vict. c. 86.	5	....
				„ „	7	....
Right of Defendant to copies of	„ „	10	....	7th August, 1852 ..	6	....
„ „ „ at ½ per folio	„ 1855	35	....	„ „	5	....
Amendment of	„ „	6	....	.....	....	....
Amended	„ 1853	11, 12, 14	....	„ „	7, 9	....
			....	15 & 16 Vict. c. 86.	8	....
Time for appearance to	„ 1851	133	....	22nd April, 1850 ..	11	....
	„ 1853	8	....	15 & 16 Vict. c. 86.	4	....
Undertaking to shew cause against	„ 1851	134	....	22nd April, 1850 ..	12	....
Appointment of Guardian *ad litem* upon	„ „	149	....	„ „	28	....
Defendant to, may file interrogatories for examination of plaintiff	„ 1853	38	....	15 & 16 Vict. c. 86.	19	....
Order upon.—Nature of	„ 1851	135	....	22nd April, 1850 ..	13	....
Form of	„ „	138	....	„ „	16	....
Effect of	„ „	131	....	„ „	9	....
		136	....	„ „	14	....
May be discharged on motion	„ „	150	....	„ „	29	....
Notwithstanding Court may direct bill	„ „	137	....	„ „	15	....
Powers of Registrar under	„ „	139	....	„ „	17	....
Registrar may cause parties to be added after	„ „	141-2	....	„ „	18—20	....
	„ „	143-4 & 5	....	„ „	21—24	....
To Revive	„ 1853	78	....	15 & 16 Vict. c. 86.	52	....
Supplemental	„ „	78, 81	....	„ „	52, 53	....
				7th August, 1852 ..	43, 44	....
	„ 1851	146, 148	....	22nd April, 1850 ..	25—27	....
LERKS IN COURT.						
Chancellor empowered to abolish privileges of	Act 1850	25	....	.....	....	....
To grant compensation to	„ „	26, 28	....	.....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
CLERKS IN COURT—*Continued.*						
Privileges of, abolished	G.O. June 18, 1851.	....	....	.....	....	....
Solicitors to perform duties of	„ 1851	11	....	.....	....	....
COMMISSION.—*See Evidence.—Sequestration.*						
To take answers, pleas, examinations, and disclaimers abolished	G.O. 1853	40	....	15 & 16 Vict. c. 86.	21	....
Witnesses may be examined under ..	„ „	48	....	„ „	31	....
Practice relative to	„ 1851	91-105	....	8th May, 1845	94—109	....
COMMITTAL.						
For not answering	G.O. 1851	44	13	„ „	16	14—16
COMPTROLLER.						
Payments and Receipts to be checked by	G.O. June 25, 1853.	2	....	.....	....	....
CONSENT may be by Solicitor	„ 1851	11	....	October, 1842	16	....
of Attorney General of County Palatine	„ „	235	....	.....	....	....
CONTEMPT.						
Officers of Court taking fees not allowed guilty of a	Act. 1850	5	....	.....	....	....
Persons in, to be confined in Lancaster Castle	„ „	21	....	.....	....	....
Process of, in default of answer	G.O. 1851	44	13, 25	8th May, 1845	33	13-16, 3
	„ „	66, 7	....	„ „	73, 75	....
Defendant in, for want of answer bill may be taken out *pro confesso*	„ „	73	....	„ „	76	....
In case of insufficient answer	„ „	212	....	„ 1831 ..	24	....
Costs of	„ 1791	18	....	.....	....	....
Of persons out of jurisdiction how punishable	Act 1854	7	....	.....	....	....
CONVEYANCE.						
Costs of settling	G.O. 1851	213	....	„ 1831 ..	76	....
COSTS.						
Security for	G.O. 1851	209	....	„ 1828 ..	40	....
Gross sum may be awarded in lieu of taxed costs	„ „	224	....	May, 1845	123	....
Between party and party what to be allowed	„ „	222	....	„ „	120	....
Tender and acceptance of, may be by Solicitor	„ „	11	....	October, 1842	16	....
Mode of enforcing payment of	„ 1791	6	....	.....	....	....
by subpœna	„ 1851	224	....	May, 1845	124	....
by *fi fa* or *elegit*	„ „	119	....	10th May, 1839....	1	....
Of pauper	„ 1855	33	....	10th Dec., 1849....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
Costs—*Continued.*						
Of filing bill instead of claim	G.O. 1851	152	....	22nd April, 1850 ..	32	....
Of Defendant improperly required to appear	„ „	43	....	August, 1841.....	29	....
Of unnecessary proceedings	„ „	223	....	May, 1845	120	....
Of amendment	„ „	216, 217	....	1828.....	29, 30	....
Of irrelevant matter	„ „	224	....	May, 1845	122	....
Of exceptions for scandal	„ „	44	4	„ „	16	6
	„ 1853	36	....	7th August, 1852 ..	30	....
Of Guardian appointed by the Court	1851	21	....	October, 1842	28	....
Of appearing for Defendant	„ „	35	....	8th May, 1845	35	....
„ by Defendant served with unstamped copy of bill	„ „	43	....	August, 1841.....	29	....
Of defendant's severing	„ „	214	....	1828.....	27	....
Of insufficient answer	„ „	215	....	„	28	....
Of answer to cross bill or interrogatories by defendant	„ „	162, 164	....	August, 1841.....	41	....
Of plea or demurrer overruled	„ „	218	....	1828.....	32	....
Of demurrer allowed or submitted to	„ 1855	32	....	8th May, 1845	45—47	....
Of cause being struck out for want of parties	„ 1851	219	....	1828	34	....
Of the day	„ „	220	....	„	35	....
On dismissal of bill or petition	„ „	224	....	May, 1845	124	....
Occasioned by solicitors' default	„ „	207	....	1828.....	36	....
Of affidavit not in proper form to be disallowed	„ „	177	....	May, 1845	126, 128	....
	„ 1855	15, 16, 17	....	13th Jan. 1855	8, 9, 10	....
„ settled by counsel	„ „	34	....	1st June, 1854	11	....
Of copies not office copies	„ 1851	206	....	2 & 3 Wm. IV. c. 94	19	....
Of settling conveyance	„ „	213	....	1828.....	76	....
Of taxation			....	1831.....		
Of contempt	„ 1791	18	....	.....	....	....
Of bill of discovery	„ 1851 ..	162	....	August, 1841	41	....
		225	....	May, 1845	125	....
Registrar's powers as to	Act 1850	8	....	.....	....	....
„ „ upon application to him	G.O. 1851	221	....	1833.....	23	....
„ „ when no special direction to tax	„ „	224	....	May, 1845	124	....
„ „ of attendance before him	„ „	189	....	1828.....	59	....
„ „ occasioned by non-attendance	„ „	186	....	„	55	....
„ „ of review of proceedings before	„ „	185	....	„	54	....
		201	....		68	....
„ „ where parties improperly sever	„ „	199	....	3rd June, 1850	2	....
„ „ of creditor	„ „	112	....	26th August, 1841	47	....
				April, 1842	6	....
Of Registrar's separate report	„ „	202	....	1828.....	70	....
Of exceptions to Registrar's report	„ „	210	....	„	41	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			the High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
Costs—*Continued.*						
Of appeals and re-hearings	G.O. 1851	211	....	1828	42	....
	Act 1854	14	....	.....	....	....
	G.O. May 9, 1855	13	....	.....	....	....
Of proceedings under Act of 1850	Act 1850	34	....	.....	....	....
„ „ Act of 1854	„ 1854	14	....	.....	....	....
COUNSEL. *See also Costs.*						
Court may appoint in certain cases	G.O. 1851	67		8 May, 1845	75	....
DEBTS. *See Account, Interest.*						
DECREE. *See Order.*						
DEMURRER.						
Twelve days allowed for filing to original bill when no interrogatories	G.O. 1853	26	....	15 & 16 Vict. c. 86	13	....
	„ 1851	44	5	May, 1845	16	10
Fourteen days where interrogatories	„ 1853	24	....	7th August, 1852	19	....
Eight days allowed for filing to bill or note of revivor	„ 1851	44	7	May, 1845	16	12
Applications for further time to be made to Registrar	Act 1850	6	....	3 & 4 Wm. IV. c. 94	13	....
and not to Court except on appeal	„ „	7	....	„ „	13, 14	....
Not to be filed after service of traversing note	G.O. 1851	55	....	May, 1845	58	....
Address for service to be endorsed	„ „	12	....	October, 1842	17, 20	....
Notice of filing to be given	„ „	17	....	„ „	23	....
May be set down by either party	„ „	44	14	May, 1845	44	....
Plaintiff has six days to set down when to whole bill	„ „	....	15	„ „	16	17, 18
„ „ three weeks „ „ when to part of bill						
May be heard out of the county	Act 1850	13	....	.....	....	....
Not bad on account of covering too little	G.O. 1851	157	....	August, 1841	36	....
„ „ nor too much	„ „	158	....	„ „	37	....
Costs when overruled	„ „	218	....	1828	32	....
„ „ allowed	„ 1855	32	....	May, 1845	45—47	....
DEPOSIT.						
Upon exceptions to Registrar's report	G.O. 1851	210	....	1828	41	....
„ appeals	„ „	211	....	„	42	....
DEPOSITIONS. *See Evidence.*						
DISCLAIMER.						
To be taken within England and Wales without commission	G.O. 1853	40	....	15 & 16 Vict. c. 86.	21	....
„ „ and as an affidavit						
How to be taken elsewhere	„ „	41	....	„ „	22	....
Oath of messenger abolished	„	12	....	„ „	25	....
Alterations in, how to be authenticated						

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
OCUMENTS. *See Production.*						
ECTION.						
Order for	G.O. 1851	44	17	8th May, 1845	16	20
In cases of defendant may require exceptions to be set down	„ „	„	22	„ „	....	26
To proceed, to be signed by solicitor	„ „	11	....	October, 1842	16	....
NTRIES.						
Of abatement / compromise	G.O. 1851	208	....	1828	39	....
With reference to amendment of bills	„ „	176	....	12th May, 1838	....	....
Of motion for decree	„ 1853	35	....	7th August, 1852	27	....
Of service of notice of decree	„ „	66	....	15 & 16 Vict. c. 86	40, 41, 42	....
Of particulars of proceedings under orders and decrees	„ 1851	180	....	1828	49	....
Of reports	„ „	192	....	„	62	....
With reference to reports and exceptions	„ „	174	....	.....	....	....
Of Registrar's orders	„ „	204	....	.....	....	....
Books of to be accessible	„ „	172	....	.....	....	....
VIDENCE. *See also Affidavit. Costs. Subpœna. Witness.*						
May be entered into as soon as replication filed	G.O. 1851	90	....	8th May, 1845	93	....
Mode of procuring	„ 1853	58	....	15 & 16 Vict. c. 86	40	....
Where witness out of jurisdiction	Act 1850	17, 18	....	.....	....	....
Notice of examination	G.O. 1853	61	....	7th Aug. 1852	36	....
Mode of taking	„ 1855	10—14	....	13th Jan., 1855	1, 4—7	....
	„ 1853	45, 48-51	....	15 & 16 Vict. c. 86	28, 31-34	....
Depositions and affidavits to be in first person	„ 1851	177	....	May, 1845	107, 126, 128	....
Cross-examination	„ 1853 ..	58, 59, 61—63	....	15 & 16 Vict. c. 86	40	....
			....	7th August, 1852	34, 35-38	....
Re-examination	„ „	60	....	„ „	35	....
No affidavit filed before issue to be received without notice	„ 1855	13	....	13th Jan. 1855	6	....
Time for closing	„ 1853	54	....	15 & 16 Vict. c. 86	38	....
	„ 1855	12	....	13th Jan. 1855	5	....
In suits where issue is joined before 1st July, 1853	„ 1853	64	....	7th August, 1852	39	....
„ „ „ after 1st July, 1853 and before 1st August, 1855	„ 1855	14	....	13th Jan. 1855	7	....
Application to enlarge publication and times for closing evidence to be made to Registrar	Act 1850	6	....	3 & 4 Wm. IV. c. 94	13	....
	G.O. 1855	6	....	.....	....	....
and not to Court except on appeal	Act 1850	7	....	.....	13, 14	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule
EVIDENCE—*Continued.*						
Mode of proceeding by commission		11	....	October 1842.....	16	....
	G.O. 1851..	44	36	8th May, 1845	16	42
		91—105	....	„ „	94—108	....
	„ 1791	15, 16	....	.....	....	....
Upon motion for decree				15 & 16 Vict. c. 86	15	....
	„ 1853....	29, 31—4	....	7th August, 1852 ..	22—26	....
	„ 1855....	6	....	.....	....	....
At hearing at instance of Court	„ 1853....	57	....	15 & 16 Vict. c. 86	39	....
„ „ of party	„ 1851....	107	....	.....	....	....
„ to prove exhibit.....	„ „	108	....	August, 1841.....	43	....
„ „ matters not in issue	„ 1855....	19	....	13 & 14 Vict. c. 35	28	....
Subsequently to the hearing				7th August, 1852 ..	38	....
	„ 1853....	63—65	....	15 & 16 Vict. c. 86	41	....
	„ 1855....	17	....	13th Jan. 1855	10	....
Viva voce before the Registrar	„ 1853....	97	....	.....	....	....
	„ 1851....	193—5	....	1828.....	69, 72	....
EXAMINATION. *See also Evidence. Witnesses.*						
Mode of taking in England and Wales	G.O. 1853	40	....	15 & 16 Vict. c. 86	21	....
„ „ out of „ „	„ „	41	....	„ „	22	....
May be filed without oath of messenger	„ „	42	....	„ „	25	....
Alterations in, how to be authenticated						
Impertinence and scandal in and insufficiency of	„ 1851....	196	....	1828.....	73	....
EXCEPTIONS.						
Address for service to be endorsed on..	G.O. 1851....	12	....	October, 1842	17, 20	....
To be filed at the Registrar's office..	„ „	18	....	„ „	24	....
And notice of filing to be given						
No order to file *nunc pro tunc*.....	„ „	45	....	8th May, 1845	17	....
Particulars to be entered by Registrar.	„ „	174	....	.....	....	....
May be heard out of the county	Act 1850....	13	....	.....	....	....
For scandal to be set down six days after filing.....	G.O. 1851....	44	4	8th May, 1845	16	6
For insufficiency to be filed within four weeks.....	„ „	„	18	„ „	„	22
„ „ defendant has eight days to submit to....	„ „	„	19	„ „	„	23
„ „ to be set down by plaintiff not sooner than eight days, nor later than fourteen after filing.....	„ „	„	21, 22	„ „	„	25, 26
„ „ except when he has to elect whether he will sue at law or in equity, then in four days						

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
EXCEPTIONS—*Continued.*						
For insufficiency after further answer, plaintiff has fourteen days to set down	G.O. 1851	44	24	8th May, 1845	16	29
Registrar may enlarge time for filing	„ 1855....	6	....	.....	....	....
Answer liable to when	„ 1851....	153	....	August, 1841.....	16	....
For impertinence abolished	„ 1853....	36	....	15 & 16 Vict. c. 86.	17	....
				7th August, 1852 ..	30	....
To reports abolished	„ „	124	....	.....	....	....
FEES.						
Power for the Chancellor to make General Orders as to	Act 1850.....	4	....	.....	....	....
To be taken by Registrar and solicitors generally and Vice-Chancellor's clerk	G.O. July 17, 1851.	....	....	.....	....	....
	„ June 30, 1853	....	....	.....	....	....
	„ June 1, 1854..	....	....	.....	....	....
	„ Nov. 7, 1854..	....	....	.....	....	....
On admission of solicitors	Act 1850.....	27	....	.....	....	....
Of solicitor for attendance on Registrar	G.O. 1851....	189	....	1828.....	59	....
„ „ for certifying abatement or compromise	„ „	208	....	„	38	....
Table of to be hung up in Registrar's office	Act 1850.....	5	....	.....	....	....
Registrar to make out account of	„ „	30	....	.....	....	....
and to pay balance into Court	„ „	32	....	.....	....	....
Officers of Court taking fees not allowed, guilty of a contempt	„ „	„	....	.....	....	....
Of counsel	G.O. 1851	222	....	8th May, 1845	120	....
Upon appeals	G.O. 19 May, 1855	12	....	.....	....	....
FEE FUND.						
Solicitors' admission, fees to be paid into	Act 1850.....	27	....	.....	....	....
Registrar to pay balance into	„ „	32	....	.....	....	....
Compensation to clerks in Court to be paid out of	„ „	28	....	.....	....	....
Registrar's salary to be paid out of	„ „	29	....	.....	....	....
Payments into and out of to be checked by Comptroller	G.O. June 25, 1853.	....	....	.....	....	....
FOLIO.						
How to be computed	„ Nov. 7, 1854..	1	....	.....	....	....
FORECLOSURE.						
Sale may be directed in lieu of	G.O. 1853....	74	....	15 & 16 Vict. c. 86	48	....
GUARDIAN.						
Registrar to appoint	Act 1850.....	9,10	....	.....	....	....
	G.O. 1855 ...	24	....	1st June, 1854	7	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
GUARDIAN—*Continued.*						
Registrar may appoint solicitor when no other person willing	G.O. 1851	21	....	October, 1842	28	....
Mode of appointment of	„ „	20	....	„ „	27	....
„ „ in case of default in appearance	„ „	31, 32	....	11th April, 1842 ..	2	....
					16	48
„ „ in case of parties served with notice of decree				8th May, 1845 ..	32	
	„ 1855	23	....	7th August, 1852 .	18	....
„ „ upon claims	„ 1851	149	....	22nd April, 1850 ..	28	....
„ „ upon special cases	Act 1850	10	....	.....	....	....
IMPERTINENCE.						
Defendant ignoring matters to which he is not interrogated	G.O. 1851	153	....	26th August, 1841 ..	16	....
In plaintiff's answer to interrogatories by defendant	„ 1853	38	....	15 & 16 Vict. c. 86.	19	....
In proceedings before Registrar	„ 1851	196	....	1828	73	....
Costs of	„ 1853	36	....	15 & 16 Vict. c. 86.	17	....
Exceptions for abolished	„ „	„	....	.....	....	....
Remedy in respect of	„ 1851	224	....	8th May. 1845 ...	122	....
INFANT. *See Persons under Disability. Guardian Authority.*						
INFORMATION. *See Bill.*						
INJUNCTION. *See also Writ.*						
Common injunction abolished	G.O. 1853	93	....	7th August, 1852 ..	45	....
To restrain proceedings at law may be granted upon special application	„ „	94	....	15 & 16 Vict. c. 86.	58	....
Applications for and to dissolve may be made out of county	Act 1850	13	....	.....	....	....
Upon application for, answer to be treated as an affidavit	G.O. 1853 ...	95	....	15 & 16 Vict. c. 86	59	....
Against persons out of the jurisdiction	Act 1854	7	....	.....	....	....
INQUIRIES. *See Accounts.*						
INTEREST.						
In administration suits upon debts	G.O. 1851	111	....	26th August, 1841	46	....
	„ 1853	100	....	16th October, 1852.	10	....
„ „ upon legacies	„ „	101	....	„ „	11	....
Under orders upon claims	„ 1851	139	....	22nd April, 1850 ..	17	....
Court may direct computation by Registrar	„ 1855	21	....	16th Oct. 1852	43	....
INTERROGATORIES.						
For examination of defendant, filing and service of	G.O. 1853	19	....	15 & 16 Vict. c. 86	12	....
Form of	„ „	20 Sch. C.	....	7th August, 1852 ..	15	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			the High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
TERROGATORIES—*Continued.*						
For examination of the defendant, time for filing	G.O. 1853	21, 25	....	7th August, 1852	16, 20	....
„ „ for delivering copy of	„ 1855	6	....	.....	....	....
„ „ for answering	„ 1853	22, 23	....	„ „	17, 18	....
„ of plaintiff	„ „	24	....	„ „	19	....
„ „ „ in lieu of cross bill	„ „	38	.....	15 & 16 Vict. c. 86.	19	....
„ „ witnesses before decree	„ 1851	164	....	.....	....	....
„ „ parties by Registrar	„ 1853	45	....	„ „	28	....
„ „ creditors or claimants before Registrar	„ „	97	....	.....	....	....
„ „ accounting parties	„ 1851	139	....	22nd April, 1850	17	....
	„ „	194	....	1828	72	....
	„ „	191	....	.....	61	....
TERPRETATION OF WORDS	Act 1850	36	....	.....	....	....
	G.O. 1851	3	.....	.....	....	....
	„ 1853	129	....	.....	....	....
	„ 1855	42	....	.....	....	....
VESTMENT.						
Mode of	G.O. June 1, 1854.	7	....	.....	....	....
Of monies paid into Court under Acts of Parliament	„ 1853	121	....	7th May, 1852	....	....
Dividends on, how to be dealt with	„ June 1, 1854.	8	....	.....	....	....
SUE.						
To be joined by filing replication	„ 1853	43	....	15 & 16 Vict. c. 86.	26	....
DGMENT. *See Writ Service.*						
Orders to have effect of in certain cases	Act 1850	24	....	.....	....	....
RISDICTION.						
In lunacy abolished	Act 1850	23	....	.....	....	....
To alter practice	„ „	1, 3	....	3 & 4 Vict. c. 94.	1	....
To adopt General Orders of High Court	„ „	2, 3	....	4 & 5 Wm. IV. c. 62	....	....
To regulate fees	„ „	4	....	.....	....	....
Summary	„ „	11	....	.....	....	....
As to costs of proceedings under Act of 1850	„ „	35	....	.....	....	....
Over persons under disability	„ 1854	12	....	.....	....	....
In the administration of assets	„ „	„	....	.....	....	....
Under Trustee Act	„ „	11	....	.....	....	....
Under Trustee Relief Act and other Acts	„ „	13	....	.....	....	....
	„ 1850	12	....	.....	....	....
Out of the County Palatine to hear applications	„ „	13	....	.....	.....	....
„ „ to direct service	„ „	14	....	.....	....	....
	G.O. 1855	2	....	.....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
JURISDICTION—*Continued.*						
Out of the County Palatine over witnesses	Act 1850	17, 18	....	.....	....	....
„ „ to enforce order	„ „	15	....	.....	..	....
Of Court of Appeal	„ „	35	....	.....	....	....
	„ 1854	2, 7, 8	....	.....	....	....
LANCASTER CASTLE.						
The Gaol of the Court	Act 1850	21	....	.....	....	....
LANDS CLAUSES CONSOLIDATION ACT.—*See Payment into Court.*						
LEGACIES.						
To carry Interest	G.O. 1853	101	....	16th Oct. 1852	11	....
so in suits by claim	„ 1851	139	....	22nd April, 1852	17	....
LIBERTY TO APPLY.						
Where accounts directed	G.O. 1853	97	....	15 & 16 Vict. c. 86.	62	....
LUNACY.						
Jurisdiction in abolished	Act 1850	23	....	.....	....	....
LUNATICS. *See Persons under Disability.*						
MARRIED WOMAN. *See next Friend.*						
MESSENGER	Act 1850	20—22	....	.....	....	....
MISJOINDER.						
Suit not to be dismissed by reason of	G.O. 1853	75	....	15 & 16 Vict. c. 86.	49	....
MISTAKE.						
Power of Court to rectify	„ 1853	126	....	„ „	60	....
MOTION. *See also Costs. Notice. Appeal.*						
May be heard out of the county	Act 1850	13	....	.....	....	....
General jurisdiction of the Court upon	„ „	11	....	.....	....	....
Notice of generally	„ 1851	44	41	8th May, 1845	16	47
„ for appointment of guardian	„ „	32	....	„ „	„	48
				„ „	32	....
„ to take bill *pro confesso*	„ „	73, 76	....	.....	76, 79	....
„ for decree	„ 1853	26, 29	....	15 & 16 Vict. c. 86.	13, 15	....
				7th August, 1852	22	....
Evidence upon may be taken orally	„ „	58, 61	....	15 & 16 Vict. c. 86.	40	....
				7th August, 1852	36	....
For decree, entry of	„ „	35	....	„ „	27	....
„ evidence upon	„ „	31—34	....	„ „	23—6	....
	„ 1855	6	....	.....	....	....
„ order upon	„ 1853	30	....	15 & 16 Vict. c. 86	16	....
To take bill *pro confesso*	„ 1851	44	42	May, 1845	16	26
Order upon claim may be discharged upon		150	....	22nd April, 1850	29	

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
MOTION—*Continued.*						
Registrar's report or certificate may be discharged upon	Act 1853	125	....	.....	....	....
Of course may be made by solicitor	August 6, 1851	....	....	.....	....	....
NEXT FRIEND.						
Name of not to be used without written authority	G.O. 1853	1	....	15 & 16 Vict. c. 86.	11	....
NOTE.						
May be filed instead of bill of revivor or supplement	G.O. 1851	165—167	. .	. . . .	...	....
NOTICE.						
Solicitors to serve and be served with and sign	G.O. 1851	11	....	October, 1842	16	....
Service of where	„ „	12, 14, 15	....	„ „	17, 19-21	....
„ when	„ „	16	....	„ „	22	....
Of entering appearance and filing proceedings	„ „	17, 18	....	„ „	23, 24	....
	„ 1855	28	....	152 6th Oct. 18....	7	....
Of examination of witness	„ 1851	19	....	October, 1842	26	....
	„ 1853	61, 63	....	7th August, 1852	36, 38	....
Of cross-examination of witness	„ „	59, 62	....	„ „	34, 37	....
Of re-examination of witness	„ „	62, 63	....	„ „	37, 38	....
Of amendment of bill	„ „	176	....	12th May, 1838....	....	....
Of decree where necessary	„ 1853	66	8	7th August, 1852	40	....
„ where dispensed with	„ 1855	22	....	1st June, 1854	5	....
„ endorsement on	„ „	25, 26	....	„ „	8	....
Memorandum of, of decree to be entered	„ 1853	66	....	7th August, 1852	41	....
Where bill taken *pro confesso*	„ 1851	83, 84	....	May, 1845	86, 87	....
Of motion.—*See motion.*						
OFFICE COPIES.						
No person to be compelled to take	G.O. 1851	206	....	2 & 3 Wm. IV. c. 94	19	....
Of affidavits to be ready within forty-eight hours	„ „	175	....	8th May, 1845	127	. .
OFFICER OF THE COURT. *See also Solicitor. Registrar. Messenger. Clerk in Court.*						
Guilty of contempt for taking fees not allowed	Act 1850	5	....	.....	....	....
Protection of	„ 1854	7	....	.....	....	....
ORDERS, GENERAL.						
Power of the Chancellor to make	Act 1850	1, 3	....	3 & 4 Vict. c. 94	31	....
	„ 1854	6	....	.....	....	....
„ to adopt General Orders of the High Court	Act 1850	2, 3	....	4 & 5 Wm. IV. c. 62	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
ORDERS, GENERAL—*Continued.*						
Power to make General Orders as to fees	Act 1850	....	....	.....	....	....
First 16 of 1853 not to apply to bills or claims retrospectively	G.O. 1853	17, 18	....	7th August, 1852	12, 13	....
Commencement of Gen. Orders of 1851	„ 1851	2	....	.....	....	....
„ „ 1853	„ 1853	128	....	.....	....	....
„ „ 1855	„ 1855	43	....	.....	....	....
Interpretation of	„ 1851	3	....	.....	....	....
	„ 1853	129	....	7th August, 1852	48	....
	„ 1855	42	....	.....	....	....

ORDERS, GENERAL, Discharged or Superseded.

Date.	No.	Art. or Rule.						
G.O. 1851	9	....	.... by	G.O. 1855	1	....	May, 1845	12	....
„ „	22, 23, 24	....							
„ „	28, 126, 127	....	„	„ 1853	6	....	15 & 16 Vict. c. 86.	2	....
„ „	44	6							
„ „	„	23							
„ „	„	29, 30	„	„ „	93	....	7th August, 1852	45	....
„ „	56, 57,	....							
„ „	44	8	...partly by..	„ 1853	40	....	15 & 16 Vict. c.86	21	....
„ „	„ 9, 10, 11, 12, 20		.. by	„ „	24	....	7th August, 1852	19	....
„ „	„	32	„	„ „	26	....	15 & 16 Vict. c. 86.	13	....
„ „	„	37, 38	„	„ „	55	....	.....	....	....
„ „	154	....	„	„ „	19	....	15 & 16 Vict. c. 86.	12	....
„ „	155, 156	....	„	„ „	2	....	.....	10	....
„ „	160	....	„	„ „	67	....	15 & 16 Vict. c. 86	43	....
„ „	220	....	„	„ „	124	....	.....	....	....
6 Aug. 1851	„	....	in part discharged by	„ 1855	36	....	1833	27	....
G.O. 1853	25	....	.... by	„ „	6	....	.....	....	....
„ „	46, 47, 52	....	„	„ „	10, 11	....	13th Jan. 1855	1, 4	....
„ „	55	....	„	„ „	12	....	„ „	5	....
„ „	56	....	superseded by	„ „	13	....	„ „	6	....
GO June 25, 1853	3—9	....	„	„ June 1, 1854	9	....	.....	....	....

ORDERS (Special) AND DECREES.

What may be made out of the County Palatine	Act 1850	13	....	.....	....	....
Declaratory good	G.O. 1853	76	....	15 & 16 Vict. c. 86.	50	....
As to part of subject good	„ „	77	....	„ „	51	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
ORDERS—*Continued.*						
Determining legal title good	G.O. 1853	96	....	.....	62	....
Saving rights of absent parties	„ 1851	161	....	August, 1841	40	....
Absolute where defendant makes default at hearing	„ „	109	....	26th August, 1841	44	....
Recitals in	„ „	205	....	December, 1833	27	....
	„ 1855	20	....	12th April, 1853	....	....
For account, form of	„ 1853	98 Sch. G	....	16th Oct. 1852	8 Sch. C.	....
„ administration to contain direction as to outstanding estate	„ 1851	110	....	August, 1841	45	....
„ service out of jurisdiction, what directions to contain	„ 1855	3	....	May, 1845	33	2
Upon bills taken *pro confesso*, what to contain	„ 1851	80, 81	....	„ „	83, 84	....
„ „ „ generally	„ „	82—89	....	„ „	85—92	....
To state time for performing	„ „	114	....	April, 1842	6	....
				August, 1841	12	....
Passing	„ „	115	....	.....	....	....
Registrar to mark date of entry if required	„ „	120	....	10th May, 1839	2	....
For payment or transfer out of Court to be signed by V. C. and retained	„ „	115	....	.....	....	....
Memorandum to be endorsed on copy to be served	„ „	114	....	August, 1841	12	....
				April, 1842	6	....
Solicitors to serve and be served with	„ „	11	....	October, 1842	16	....
Where to be served	„ „	12, 14, 15	....	„ „	17, 19-21	....
	„ 1855	3, 4	....	May, 1845	33	2, 3
Within what time to be served	„ 1851	16	....	October, 1842	22	....
Service of notice of	„ 1853	66	8	15 & 16 Vict. c. 86.	42	....
				7th August, 1852	40	....
may be dispensed with	„ 1855	22	....	1st June, 1854	5	....
Endorsement on notice of	„ „	25, 26	....	„ „	8	....
Memorandum of service of notice of to be entered	„ 1853	66	....	15 & 16 Vict. c. 86.	42	....
				7th August, 1852	40	....
To have effect of judgment in certain cases	Act 1850	24	....	.....	....	....
	„ 1854	7	....	.....	....	....
Enforcing generally	G.O. 1851	118	....	26th August, 1841	11	....
				11th April, 1842	6	....
	„ 1855	9	....	August, 1841	9	....
„ by and against persons not parties	Act 1854	7	....	.....	....	....
	G.O. 1851	117	....	August, 1841	15	....
„ against parties out of jurisdiction	Act 1850	15	....	.....	....	....
„ against other persons	„ 1854	7	....	.....	....	....
„ of Court of Appeal	„ „	10	....	.....	....	....
„ for delivering of possession	G.O. 1851	116	....	August, 1841	13	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art or Rule.
ORDERS (Special) AND DECREES—*Continued.*						
Enforcing for payment or transfer	G.O. 14 May, 1821	....	....	....	....	....
	„ 1851	119—123	....	10th May, 1839	1—5	....
Staying proceedings under	„ 1855	27	....	1828	46	....
Appeal from and upon appeals	Act 1850	25	....	.....	....	....
	„ 1854	....	....	.....	....	....
	G.O. 19 May, 1855	....	....	.....	....	....
To be brought into Registrar's office within ten days	„ 1851	179	....	3rd June, 1850	1	....
Date of bringing in to be entered	„ „	180	....	1828	49	....
Considering	„ „	181, 182	....	„	50—51	....
Subsequent proceedings under, in Registrar's office	„ „	183—204	....	„	52—57	....
		213			59-62, 64,	....
					69-72, 73,	....
					75, 77	....
				3rd June, 1850	2	....
				1831	76	....
	„ 1853	97	....	16th Oct., 1852	9—14,	....
		99—110			20, 30,	....
					33—38	....
Upon motion for decree, nature of	„ „	30	....	15 & 16 Vict. c. 86.	16	....
Upon claims, form of	„ 1851	138	....	22nd April, 1850	16	....
„ „ nature and effect of	„ „	131, 135, 136	....	„ „	18, 24, 25	....
„ „ power of Registrar under	„ „	139, 140	....	„ „	17, 18	....
„ „ may be discharged on motion	„ „	150	....	„ „	29	....
Upon summons for administration of personal estate	„ 1853	69	....	15 & 16 Vict. c. 86	45	....
„ „ real estate	„ „	72	....	.....	47	....
„ „ Registrar may make	„ „	73	....	.....	....	....
Upon petition in the nature of a special case	Act 1850	10	....	13 & 14 Vict. c. 35	1	....
Of course for administration of personally at suit of executors	G.O. 1853	86	....	.....	19	....
„ „ to be drawn up by Registrar on motion of solicitor	„ Aug. 6, 1851	....	....	.....	....	....
„ „ to elect	G.O. 1851	44	17	May, 1845	16	20
„ „ to revive	„ „	44	7	„ „	„	12
„ „ and supplemental	„ 1853	78, 79	....	15 & 16 Vict. c. 86	52	....
				7th August, 1852	43	....
„ „ to amend bill	„ 1851	44	26, 27	May, 1845	16	32, 33
Generally to amend bill	„ „	58—64	....	„ „	64—70	....
By Registrar, form drawing up and entry of	„ „	204	....	.....	....	....
„ for production of documents	„ 1855	8	....	.....	....	....
„ „ form of	„ „	31	....	1st June, 1854	3	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
PARTIES.						
Definition of the word	G.O. 1851	3	4	.....	....	....
	„ 1853	129	4	7th August, 1852	48	....
	„ 1855	42	„	„ „	„	....
As to dispensing with heir	„ 1851	169	....	August, 1841	31	....
„ „ personal representative	„ 1853	68	....	15 & 16 Vict. c. 86	44	....
„ „ residuary legatees	„ „	66	1,6	„ „	42	....
„ „ next of kin						
„ „ legatees interested in real estate	„ „	66	2, 6	„ „	„	....
„ „ residuary devisees and co-heirs	„ „	66	3	„ „	„	....
„ „ *cestuisque* trust	„ „	66	4, 6, 9,	„ „	„	....
	„ 1851	168	....	August, 1841	30	....
„ „ persons jointly and severally liable	„ „	170	....	„ „	32	....
„ „ when one may sue on behalf of self and others	„ 1853	66	5	15 & 16 Vict. c. 86	42	
„ „ where no objection by plea or answer	„ 1851	161	....	August, 1841	40	....
„ „ generally	„ 1853	77	....	15 & 16 Vict. c. 86	51	....
To claims	„ 1851	129, 130 135, 140	....	22nd April, 1850	7,8,13,18	....
Court may order persons to be made	„ 1853	66	7	15 & 16 Vict. c. 86	42	....
Cause not to be set down upon objection for want of	„ „	67	....	„ „	43	....
Costs where cause struck out for want of	„ 1851	219	....	1828	34	....
Misjoinder of	„ 1853	75	....	„	49	....
Allowances to	„ „	84	....	15 & 16 Vict. c. 86	54	....
Examination of, by Court at hearing	„ „	57	....	.....	39	....
Making affidavit liable to cross-examination	„ „	58	....	.....	40	....
PAUPER.						
Solicitor to sign notices on behalf of	„ 1851	11	....	October, 1842	16	....
Pauper defendant attached for want of answer	„ „	66, 67	....	1 Wm. IV. c. 36. May, 1845	6 73—75	....
His costs to be taxed as divers costs	„ 1855	33	....	10th Dec. 1849	„	....
PAYMENT INTO COURT.						
Application for, may be made out of the county	Act 1850	13	....	.....	....	....
Manner of	1st June, 1854	2	....	.....	....	....
How enforced	14th May, 1821	....	....	.....	....	....
	G.O. 1851	118	....	.....	....	....
Under Land Clauses and Trustee Relief Act and other Acts	Act 1850	12	....	.....	....	....
	„ 1854	13	....	.....	....	....
	G.O. 1851	226—228	....	.....	....	....
	„ 1853	121	....	.....	....	....
	„ 1855	38	....	.....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
PAYMENT INTO COURT—*Continued.*						
Where matter belongs to the Preston district	G.O. 1855	39	....	.....	....	....
By Registrar to fee fund account	Act 1850	12	....	.....	....	....
PAYMENT OUT OF COURT.						
Applications for may be made out of the county	„ „	13	....	.....	....	....
Decrees for to be signed by V. C. and retained	G.O. 1851	115	....	.....	....	....
Manner of	„ June 1, 1854	3, 4, 5	....	.....	....	....
May be made to surviving personal representatives	„ 1853	120	....	28th July, 1852	....	....
PERSONS UNDER DISABILITY. *See also Guardian. Next Friend.*						
Jurisdiction over property of	Act 1854	12	....	.....	....	....
Entering appearance for	G.O. 1851	30—32	....	May, 1845 April 1842	16 30, 32 2	48 ....
Service of notice of decree upon, where dispensed with	„ 1855	22	....	1st June, 1854	5	....
PETITION. *See also Appeal. Costs. Service.*						
May be heard out of the county	Act 1850	13	....	.....	....	....
Jurisdiction of the Court upon	„ „	11	....	.....	....	....
To be answered by Registrar	6th Aug. 1851	....	....	.....	....	....
To be filed before order thereon is passed	G.O. 1851	173	....	December, 1833	30	....
	„ 1855	36	....	„ „	27	....
Time for service of	„ 1851	44	41	May, 1845	16	47
Form of order upon	„ „	205	....	December, 1833	27	....
Consent to, to be signed by solicitor	„ „	11	....	October, 1842	16	....
In the nature of a special case	Act 1850	10	....	13 & 14 Vict. c. 35.	1	....
Under Trustee Act	G.O. 1851	229—233	....	10th June, 1848	4—8	....
Title of under special Acts	„ „	234	....	.....	....	....
PLEA.						
Times allowed for filing						
„ „ where no interrogatories, twelve days from appearance	„ 1853	26	....	15 & 16 Vict. c. 86.	13	....
„ „ where interrogatories are filed, fourteen days from delivery of the interrogatories	„ „	24	....	7th August, 1852	19	....
To bill or note of revivor, eight days from appearance	„ 1851	44	7	8th May, 1845	16	12
Application for further time to be made to the Registrar	Act 1850	6	....	3 & 4 Wm. IV. c. 94	13	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art or Rule.	Date.	No.	Art. or Rule.
PLEA—*Continued.*						
Application for further time not to be made to Court except on appeal	Act 1850	7	....	3 & 4 Wm. IV. c. 94	13, 14	....
Not to be filed after traversing note	G.O. 1851	53	....	8th May, 1845	56	....
Within England and Wales commission to take abolished	„ 1853	40	....	15 & 16 Vict. c. 86	21	....
To be sworn as an affidavit						
In other parts of the Kingdom how to be taken	„ „	41	....	„ „	22	....
Oath of messenger to take abolished and alteration in how to be authenticated	„ „	42	....	„ „	25	....
Address for service to be endorsed	„ 1851	12	....	October 1842	17, 20	....
Notice of filing to be given	„ „	17	....	„ „	23	....
May be set down by either party forthwith	„ „	44	14	May, 1845	44	....
The plaintiff has three weeks to set down or reply to	„ 1851	44	16	„ „	16	19
May be heard out of the county	Act 1850	13	....	.....	....	....
Not bad on account of covering too little	G.O. 1851	157	....	August, 1841	36	....
„ „ nor too much	„ „	158	....	„ „	37	....
Costs where overruled	„ „	218	....	1828	32	....
PRELIMINARY						
Accounts and enquiries	„ „	72	....	9th May, 1839	5	....
PROCESS. *See also Writ.*						
For default of answer	„ „	212	....	1831	24	....
		44	13	May, 1845	16	13—16
Of contempt in case of insufficient answer	„ „	44	25	„ „	„	30
		213	....	1831	76	....
By writ of sequestration	„ 1855	9	....	August, 1841	9	....
		....	....	„ „	13, 15, 11	....
To enforce order	„ 1851	116—123	....	April, 1842	6	....
			....	May, 1839	2—5	....
Messenger to execute	Act 1850	20	....	.....	....	....
Service of out of jurisdiction	„ „	14	....	.....	....	....
Substituted service of	G O. 1791	4	....	.....	....	....
PRO CONFESSO. *See Bill.*						
PRODUCTION OF DOCUMENTS.						
Before Decree.						
By the defendant	„ 1853	37	....	15 & 16 Vict. c. 86	18	....
„ plaintiff	„ „	39	....	„ „	20	....
„ upon application to Registrar	„ 1855	8	....	.....	....	....
„ Form of order	„ „	31	....	1st June, 1854	3	....
After Decree.						
In what cases Registrar may order without special authority	„ 1853	97	....	.....	....	....
	„ 1851	139	....	22nd April, 1850	17	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	The High Court. Date.	No.	Art. or Rule.
PRODUCTION OF DOCUMENTS.—After Decree—*Continued.*						
Before Registrar	G.O. 1851	190	....	1828.....	60	....
Form of order	„ 1855	31	....	1st June, 1854	3	....
By Registrar before Court of Appeal..	G.O. May 19, 1855.	9,10	....	.....	....	....
RECEIVER.						
Application for may be made out of the county	Act 1850	13	....	.....	....	....
Upon application for, answer to be considered as an affidavit.....	G.O. 1853	95	....	15 & 16 Vict. c. 86.	59	....
May be appointed by decree or bill taken *pro confesso*	„ 1851	81	....	May, 1845	84	....
„ „ but only upon notice	„ „	85	....	„ „	88	....
Form of order appointing.....	„ „	200	....	1828.....	64	....
Accounts of.....	„ 1855	37	....	„	63	....
Power of Registrar with reference to				April, 1790.....	....	....
General practice as to.....	„ 1853	104	....	16th Oct. 1852	14	.....
To give security.....	„ „	103	....	„ „	13	....
To have an allowance.....						
The word includes consignee and manager.....	„ „	129	....	„ „	61	....
	„ 1855	42	....	.....	....	....
REGISTRAR AND DISTRICT REGISTRAR.						
Registrar includes District and Deputy Registrar	G.O. 1851	3	6	.....	....	....
	„ 1853	129	....	.....	....	....
	„ 1855	42	....	.....	....	....
To hear applications for time to plead, answer, or demur	„ 1851	46	....	May, 1845	18	....
„ „ to enlarge publication and close evidence..	Act 1850	6	....	3 & 4 Wm. IV. c. 94.	13	....
„ „ to amend.....	„ 1855	6	....	.....	....	....
May give time to file affidavits, interrogatories, or exceptions.....	„ „	„	....	.....	....	....
May enlarge time given by him	„ 1851	47	....	May, 1845	20	....
To issue and seal writs.....	„ „	7, 25	....	„ „	24	....
May assign guardian *ad litem*.....	Act 1850	9, 10	....	.....	....	....
	G.O. 1855	24	....	1st June, 1854	7	....
Manner of appointing guardian	„ 1851	20, 21	....	October, 1842	27, 28	....
	„ 1855	23	....	1st June, 1854	6	....
Defendant attached for want of answer to be brought before.....	„ 1851	66	....	May, 1845	73	....
May appoint solicitor and counsel for poor defendant.....	„ „	67	....	„ „	75	....
May enter appearance for defendant in default.....	„ 1855	7	....	„ „	33	4
May expunge scandalous and impertinent matter.....	„ 1851	196	....	1828.....	73	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
Registrar and District Registrar—*Continued.*						
May make orders for production of documents	G.O. 1855	8	....	.....	....	....
May hear administration summons	„ 1853	73	....	.....	....	....
May examine witnesses *viva voce*	„ „	48	....	15 & 16 Vict. c. 86	31	....
	„ 1851	193—195	....	1828	69,72	....
Duties thereon	„ 1853	49—51	....	15 & 16 Vict. c. 86	32—34	....
Jurisdiction as to costs	Act 1850	8	....	3 & 4 Wm. IV. c. 94	15	....
	G.O. 1851	221	....	1833	23	....
Form of orders by	„ „	204	....	.....	....	....
Appeal from	Act 1850	7	....	4 & 5 Wm. IV. c. 94	13,14	....
	G.O. 1855	6	....	.....	....	....
To keep indexes of proceedings before him	„ 1851	172	....	December, 1833	30	....
To furnish certificates of proceedings	„ „	178	....	1828	43	....
To enter note of abatement or compromise	„ „	208	....	„	39	....
On appeal to transmit proceedings if required	G.O. May 19, 1853	9,10	....	.....	....	....
With reference to Proceedings before, under Special Orders.						
Bringing in decree before	G.O. 1851	179	....	3rd June, 1850	1	....
To enter title of cause and subsequent proceedings	„ „	180	....	1828	49	....
Considering decree before	„ „	181, 182	....	„	50,51	....
To appoint times for and mode of proceeding	„ „	182, 183	....	„	51,52	....
May proceed *exparte* in case of non-attendance	„ „	184	....	„	53	....
Review of *exparte* decisions of	„ „	185	....	„	54	....
Costs occasioned by non-attendance before	„ „	186	....	„	55	....
May change conduct of cause	„ „	187	....	„	56	....
May proceed *de die in diem*	„ „	188	....	„	57	....
Warrants for atttendance before to be peremptory; Length of attendance and Fees for attendance to be regulated by	„ „	189	....	„	59	....
May require parties to appear separately	„ „	198	....	„	77	....
Or classify parties	„ „	199	....	3rd June, 1850	2	....
Form of accounts to be brought in before	„ „	191	....	1828	61	....
	„ 1853	105, 6	....	16th October, 1852.	29,30	....
May examine witness *viva voce*	„ 1851	193	....	1828	69	....
Evidence to be taken upon, as before decree	„ 1853	63, 65	....	15 & 16 Vict. c. 82.	41	....
				7th August, 1852	38	....
May examine creditor or claimant	„ 1851	194, 195	....	1828	72	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	The High Court. Date.	No.	Art. or Rule.
Registrar and District Registrar.— With reference to Proceedings before, under Special Orders—*Continued.*						
May examine parties and Order production of documents. (under orders directing accounts and enquiries)	G.O. 1853	97	....	.....	....	....
Power of, with reference to production of documents.	„ 1851	190	....	1828.....	60	....
	„ 1855	31	....	1st June, 1854	3	....
In asset suit may certify state of assets	„ „	203	....	1828.....	71	....
To settle allowance to accountants, &c.	„ 1853	119	....	15 & 16 Vict. c. 80	43	....
May wind up proceedings.....	„ „	122, 123	....	„ „	7, 8	....
Powers and duties of, with reference to Advertisements.....	„ „	107—110	....	16th Oct. 1852	33—35	....
„ „ Sales before him...	„ 1851	197	....	16th July, 1851....	1, 2, 3, 4	....
	„ 1853	114—118	....	15 & 16 Vict. c. 86.	56	....
„ „ Receivers.	„ 1851	200	....	1828.....	64	....
	„ 1855	37	....	April, 1796.. ...	....	....
				1828.....	63	....
„ „ Settling conveyance	„ 1851	213	....	1831.....	76	....
„ „ Taxation of costs..						
„ „ Where no special direction.....	„ „	224	....	May, 1845	122	....
„ „ Under orders upon claims	„ „	139	....	22nd April, 1850 ..	17	....
„ „ „ as to parties	„ „	140—142	....	„ „	18—20	....
Review of proceedings before	„ „	201	....	1828.....	64	....
May state special circumstances and make separate report	„ „	202	....	„	68	....
Form of report of.....	„ 1853	111—113	....	16th Oct. 1852	44, 45, 46	....
Filing and entry of reports of	„ 1851 ..	173, 4	....	December, 1833 ..	30	....
		192	....	1828.....	62	....
	„ 1853	125	....	.....	....	....
Mode of objecting to report of.....	„ „	124, 5	....	.....	....	....
„ „ Under orders of course for accounts of debts.	„ „	87—91	....	13 & 14 Vict. c. 35	20—24	....
Office of, where to be.....	„ 1851	4	....	.....	....	....
„ „ when to be open.....	„ „	5	....	.....	....	....
„ „ table of fees to be hung up in	Act 1850	5	....	.....	....	....
Seal of.....	G.O. 1851	6	....	.....	....	....
Salary of.....	Act 1850	29—33	....	.....	....	....
Accounts of.....	„ „	30, 31	....	.....	....	....
Payments to fee fund account.....	„ „	32	....	.....	....	....
To give bond.....						
Not to practise in the Court.....	„ „	34	....	.....	....	....
District Registrar.						
Power to Chancellor to appoint..... His jurisdiction.....	„ „	33	....	.....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
REGISTRAR AND DISTRICT REGISTRAR—District Registrar—*Continued.*						
Seal of	G.O. June 23, 1853.	....	....	.....	....	....
Appointment of	,, ,,	....	....	.....	....	....
	,, June 24, 1853.	....	....	.....	....	....
District of	,, ,,	....	....	.....	....	....
In office of which suits and matters to be originated	,, June 23, 1853.	....	....	.....	....	....
Remuneration and accounts	,, ,,	....	....	.....	....	....
	,, June 24, 1853.	....	....	.....	....	....
	,, June 30, 1853.	....	....	.....	....	....
Fees payable to	,, June 1, 1854.	....	....	.....	....	....
	,, Nov. 7, 1854.	....	....	.....	....	....
Not to practise	,, June 25, 1853.	1	....	.....	....	....
To give security	,, ,,	10	....	.....	....	....
May act by deputy in certain cases	,, ,,	11	....	.....	....	....
REGISTRAR'S OFFICE. *See Registrar.*						
RE-HEARING. *See Appeal.*						
REJOINDER.						
No *order* to, to be issued	G.O. 1851	90	....	May, 1845	93	....
RELATOR.						
Name of, not to be used without written authority	,, 1853	1	....	15 & 16 Vict. c. 86.	11	....
REPLICATION.						
Issue to be joined by filing	,, ,,	43	....	15 & 16 Vict. c. 86.	26	....
				7th August, 1852 ..	28	....
	,, 1851	90		May, 1845	93	....
Form of	,, ,,	,,	....	.....	....	....
Name and address to be endorsed	,, ,,	12	....	October, 1842	17	....
To answer to be filed within fourteen days after answer sufficient	,, 44	31, 33-35	....	May, 1845	16	37, 39-41
To plea within three weeks after the plea is filed	,, ,,	16	....	,, ,,	....	19
Notice of filing to be given	,, ,,	17	....	,, ,,	....	20
REPORT OR CERTIFICATE.						
Of state of cause to be furnished by Registrar	,, 1851	178	....	1828	43	....
Registrar may make separate	,, ,,	202	....	,, ...	70	....
Recitals in	,, ,,	113	....	August, 1841	48	....
Of result of account what to state	,, 1853	111	....	16th Oct. 1852	44	....
,, ,, what not to state	,, ,,	112	....	,, ,,	45	....
Form of	,, ,,	113 Sch I.	....	,, ,,	46	....
Registrar may state special circumstances in	,, 1851	202	....	1828	70	....
,, ,, Certify state of assets	,, ,,	203	....	,, ...	71	....

SUBJECT.	ENACTMENTS AND GENERAL ORDERS AFFECTING THE PALATINE COURT.			THE HIGH COURT.		
	Date.	No.	Art. or Rule.	Date.	No.	Art or Rule.
REPORT OR CERTIFICATE—*Continued.*						
To be entered in book	G.O. 1851	192	....	1828	62	....
To be filed and date of filing entered	„ „	173, 174	....	December, 1833	30	....
	„ 1853	125	....	.....	....	....
Exceptions to and confirmation of abolished	„ „	124	....	.....	....	....
Appeal from						
My be varied or discharged on motion	„ „	125	....	.....	....	....
Mode of objecting to by Creditors in certain cases	„ „	87	....	13 & 14 Vict. c. 35	20	....
REVIVOR. *See Abatement and Revivor.*						
SALES						
May be directed at any stage of the suit	„ „	83	....	15 & 16 Vict. c. 86.	55	....
„ „ in lieu of foreclosure	„ „	74	....	„ „	48	....
Under suits by claim	„ 1851	139	....	22nd April, 1850	17	....
Powers of Registrar with reference to	„ „	197	....	1828	75	....
Manner of	„ 1853	102	....	16th Oct., 1852	12	....
Abstract of the title on, to be laid before counsel	„ „	114	....	15 & 16 Vict. c. 86	56	....
Conditions of, to be settled by Registrar	„ „	115	....	.....	....	....
Reserved bidding on	„ „	116	....	16th July, 1851	2	....
Deposit on	„ „	117	....	„ „	3	....
By private contract	„ „	118	....	„ „	4	....
Of stock in Court	G.O. June 1, 1854.	8	....	.....	....	....
SCANDAL. *See Exceptions. Registrar.*						
SEQUESTRATION. *See also Writ.*						
May be directed upon bill taken *pro confesso*	G.O. 1851	81	....	May, 1845	84	....
But not to be acted upon without leave	„ „	85	....	„ „	88	....
To enforce decree generally	„ „	118	....	August, 1841	11	....
				April, 1842	6	....
Upon return of *non est inventus* to attachment	„ 1855	9	....	August, 1841	9	....
SERVICE.						
Of stamped copies of bills and claims	„ 1853	7, 8, 9	....	15 & 16 Vict. c. 86	3, 4, 5	....
	„ 1851	132	....	22nd April, 1850	10	....
	„ „	44	1	May, 1845	16	1
„ „ amended „	„ 1853	11, 14-16	....	October, 1842	16, 19	....
					21, 22	....
	„ 1851	27	....	May, 1845	26	....
Substituted	„ 1791	4	....	.....	....	....
	„ 1853	9	....	15 &16 Vict. c. 86	5	....
On persons out of jurisdiction of this but within jurisdiction of High Court	Act 1850	14	....	.....	....	....
	„ 1854	8	....	.....	....	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
SERVICE—*Continued.*						
On persons out of jurisdiction of High Court	G.O. 1855	2,3,4	....	May, 1845	33	1,2,3
„ „ of this Court generally	„ 1851	38	....	August, 1841	24	....
Of unstamped copy bill	„ „	37—43	....	„ „	24-29,33	....
				May, 1845	16	....
	„ „	44	2	„ „	„	2
Time for, of traversing note	„ „	53	....	„ „	56	....
Of administration summons	„ 1853	71	....	15 & 16 Vict. c. 86.	46	....
	„ 1855	29,30	....	16th Oct. 1852	5,6	....
Of subpœna	„ 1851	44	1	May, 1845	16	1
„ to hear judgment	„ „	27	....	„ „	26	....
	„ 1853	15	....	7th August, 1852	10	....
Of order	„ 1851	14	....	October, 1842	19	....
Of notice of decree	„ 1853	66	8	7th August, 1852	40	....
	„ 1855	22	....	1st June, 1854	5	....
Entry of memorandum of	„ 1853	66	....	15 & 16 Vict. c. 86.	42	....
	„ 1855	25,26	....	1st June, 1854	8	....
Of copy decree for, and notice on taking bill *pro confesso*	„ 1851	73,76,77	....	May, 1845	76,79,80	....
		83,84	....		86,87	....
Of petition	„ „	44	41	„ „	16	47
Of notice of motion	„ „	„	41	„ „	„	„
„ „ To take bill *pro confesso*	„ „	„	42	„ „	„	49
„ „ to appoint guardian	„ „	32	....	„ „	„	48
					32	....
On witness out of jurisdiction	Act 1850	17,18	....	.....	....	....
On solicitor when	G.O. 1851	11	....	October, 1842	16	....
Address for service where to be endorsed	„ „	12	....	„ „	17,20	....
Where no address for service	„ „	14,15	....	„ „	19,21	....
Before eight o'clock p.m.	„ „	16	....	„ „	22	....
Affidavit of, what to state	„ „	34	....	May, 1845	34	....
SOLICITOR.						
Admission of	Act 1850	25,27	....	.....	....	....
	G.O. 18th June, 1851	....	....	.....	....	....
„ „ Fee on	„ 17th July, 1851	Sch. 3	....	.....	....	....
Changing	G.O. 1851	13	....	October, 1842	18	....
Service upon	„ „	15,27	....	„ „	21	....
				May, 1845	26	....
General duties of in suits	„ „	11	....	October, 1842	16	....
To endorse name and address for service on all proceedings	„ „	12	....	„ „	17	....
To give notice of proceedings to opposite parties	„ „	17,18	....	„ „	23,24	....
„ „ of examination of witnesses	„ „	19	....	„ „	26	....
To prepare writs	„ „	25	....	May, 1845	24	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			The High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. or Rule.
SOLICITOR—*Continued.*						
To attend with infant defendant to have guardian appointed	G.O. 1851	20	....	October, 1842	27	....
To certify compromises and abatements	„ „	208	....	1828	39	....
Orders of course to be made on application of	6th August, 1851	....	....	.....	....	....
May be appointed guardian in certain cases	G.O. 1851	21, 31, 32	....	October 1842 April, „ May, 1845	28 2 16 32	.... 48 ....
May be assigned to pauper defendants	„ „	67	....	„ „	75	....
To attend at hearing with necessary papers	„ „	207	....	1828	36	....
„ „ before Registrar	„ „	186—189	....	„	55—59	....
Registrar may require parties to be represented by separate	„ „	198	....	„	77	....
or to join in employing same	„ „	199	....	3rd June, 1850	2	....
In Court of appeal	G.O. May, 1855	13	....	.....	....	....
SPECIAL CASE	Act 1850	10	....	.....	....	....
STAYING PROCEEDINGS. *See Election. Orders.*						
SUBPŒNA. *See Writ.*						
SUITOR'S FUND.						
Regulations as to	G.O. June 1, 1854	....	....	.....	....	....
SUMMONS.						
Administration decree may be obtained upon as to personalty	G.O. 1853	69	....	15 & 16 Vict. c. 86	45	....
„ „ realty	„ „	72	....	„ „	47	....
„ Form of	„ „	70	....	7th August, 1852 16th October, 1852.	42 1	....
„ Filing of duplicate and service of copy	„ „ „ 1855	71 29, 30	....	15 & 16 Vict. c. 86. 16th October, 1852	46 5, 6	....
„ Appearance to	„ „	28	....	.....	....	....
„ Registrar may hear	„ 1853	73	....	.....	....	....
„ Adjournment of hearing of	„ 1855	30	....	16th October, 1852	....	....
For production of documents	„ „	8	....	.....	6	....
SUPPLEMENTAL PROCEEDINGS.						
In causes commenced by claim	G.O. 1851	146—148	....	22nd April, 1850	25—27	....
By note instead of bill	„ „	166, 167	....	.....	....	....
„ Amendment of bill	„ 1853	80	....	15 & 16 Vict. c. 86	53	....
„ Statement	„ „	81	....	7th August, 1852	44	....
Order in cases of	„ „	78	....	15 & 16 Vict. c. 86	52	....
„ „ Discharge of	„ „	78, 79	....	„ „ 7th August, 1852	51, 52 43	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court. Date.	No.	Art. or Rule.	the High Court. Date.	No.	Art. or Rule.
ME.						
How to be computed	G.O. 1851	8	....	May, 1845	11	....
Months to mean lunar months of twenty-eight days	„ 1855	1	....	.....	....	....
Expiring on a Sunday	„ 1851	10	....	May, 1845	13	....
Service to be before eight o'clock p.m.	„ „	16	....	October, 1842	22	....
Of procedure	„ „	44	....	May, 1845	16	....
Application for to whom to be made	Act 1850	6, 7	....	3 & 4 Wm. IV. c. 94	13, 14	....
Power of Court to enlarge or abridge	G.O. 1851	48	....	.....	....	....
	„ 1853	127	....	7th August, 1852	46	....
„ „ Registrar may enlarge in certain cases	Act 1850	6	....	3 & 4 Wm. IV. c. 94	13	....
	G.O. 1851	46, 47	....	8th May, 1845	18, 20	....
	„ 1855	6	....	„ „	....	....
AVERSING NOTE.						
In default of answer, plea, or demurrer	G.O. 1851	44	13	May, 1845	16	13—16
	„ „	49	....	„ „	52	....
„ „ to amended bill	„ „	50	....	„ „	53	....
„ of further answer	„ „	51	....	„ „	54	....
Where demurrer or plea overruled	„ „	52	....	„ „	55	....
Service of	„ „	53	....	„ „	56	....
Effect of	„ „	54	....	„ „	57	....
	„ „	55	....	.....	58	....
Not required when no answer called for	„ 1853	43	....	15 & 16 Vict. c. 86.	26	....
USTEE ACT	Act 1854	11	....	.....	....	....
USTEE RELIEF ACT.						
Payments into Court under	Act 1850	12	....	.....	....	....
	„ 1854	13	....	.....	....	....
Parties paying in to file an affidavit and form of	G.O. 1851	226, 7	....	10th June, 1848	1, 2	....
	„ 1853	121	....	7th May, 1852	....	....
Notice of payment to be given	„ 1851	228	....	10th June, 1848	3	....
Applications under, respecting the money paid in	„ „	229—234	....	.....	4—8	....
Payment into Branch Bank	„ 1855	38	....	.....	....	....
Where matter belongs to Preston district	„ „	39	....	.....	....	....
ARRANT.						
Solicitor to serve and be served with	G.O. 1851	11	....	October, 1842	16	....
Place and manner of service of	„ „	12, 14	....	„ „	17, 19	....
		15			20, 21	....
Time of service of	„ „	16	....	„ „	22	....
ITNESS. *See also Evidence.*						
Notice of examination of	G.O. 1851	19	....	„ „	27	....

SUBJECT.	ENACTMENTS AND GENERAL ORDERS AFFECTING THE PALATINE COURT. Date.	No.	Art or Rule.	THE HIGH COURT. Date.	No.	Art. or Rule.
WITNESS—*Continued.*						
Notice of cross-examination of	G.O. 1853	48, 54	....	15 & 16 Vict. c. 86.	31, 38	....
		59, 61	....			
		62	....	7th August, 1852	34, 36	....
	,, 1855	12	....	13th Jan. 1855	5	....
Mode of examining	,, ,,	45, 48	....	15 & 16 Vict. c. 86	28, 31, 41	....
		63, 65	....	7th August, 1852	38	....
,, Re-examination of	,, ,,	60	....	,, ,,	35	....
Refusing to be sworn or to answer	,, ,,	50	....	15 & 16 Vict. c. 86.	33	....
	,, 1851	195	....	.....	....	....
Examination of under commission	,, ,,	91—105	....	May, 1845	94—108	....
,, ,, before the Court	,, ,,	106, 7, 8	....	August, 1841	43	....
	,, 1853	57	....	15 & 16 Vict. c. 86.	39	....
,, ,, on proceedings before Registrar	,, 1851	193	....	1828	69	....
,, ,, ,, of Creditor or claimant.	,, ,,	194	....	,,	72	....
,, ,, ,, Party	,, 1853	97	....	.....	....	....
Enforcing attendance of generally	,, ,,	58	....	15 & 16 Vict. c. 86.	40	....
,, ,, ,, to be cross-examined	,, ,,	,,	....	.....	....	....
,, ,, ,, when out of jurisdiction.	Act 1850	17, 18	....	.....	....	....
Expenses of	,, ,,	18	....	.....	....	....
WRIT.						
In matters and suits	G.O. 1851	7	....	.....	....	....
To be issued by District Registrar	,, June 23, 1853	....	....	.....	....	....
To be dated on day of issuing	,, ,,	,,	....	.....	....	....
,, sealed with office seal	,, ,,	7, 25	....	May, 1845	24	....
Solicitor to make out and serve and be served with	,, ,,	11, 25	....	,, ,,	,,	....
				Oct. 1842	16	....
Forms of	,, ,,	25	....	May, 1845	24	....
Address for service to be endorsed	,, ,,	12	....	Oct. 1842	17, 20	....
Service of (where not personal)	,, ,,	14, 15	....	,, ,,	19, 21	....
,, Before eight o'clock p.m.	,, ,,	16	....	,, ,,	22	....
,, Out of jurisdiction	Act 1850	14, 17, 18	....	.....	....	....
Of subpœna to be sealed by Registrar	G.O. 1851	25	....	May, 1845	24	....
Correction of	,, ,,	26	....	,, ,,	26	....
Of subpœna, time for service of	,, ,,	44	1	May, 1845	16	1
,, ,, to appear and answer—abolished	,, 1853	6	....	15 & 16 Vict. c. 86	2	....
Of summons on claim						
Of subpœna *ad test* and *duces tecum*	,, ,,	58	....	,, ,,	40	....
,, ,, Registrar may issue	,, 1851	193	....	1828	69	....
,, To hear judgment when to be obtained and served	,, ,,	39, 40	....	August, 1841	25, 26	....
,, ,, ,, When defendant may obtain and serve	,, ,,	70	....	May, 1845	116	....

SUBJECT.	Enactments and General Orders Affecting the Palatine Court.			Enactments and General Orders Affecting the High Court.		
	Date.	No.	Art. or Rule.	Date.	No.	Art. Rule.
IT—*Continued.*						
Of subpœna, to hear judgment may be served on solicitor	G.O. 1851	27	....	May, 1845	26	....
Of subpœna and attachment for costs	„ 1791	6	....	.....	....	....
Of attachment where fear of defendant absconding to avoid answer	„ 1851	65	....	May, 1845	72	....
„ in default of appearance	„ „	44	3	„ „	16	3
„ „ answer	„ „	„	13	„ „	„	13–16
„ against a witness refusing to answer	„ „	195	....	.....	....	....
„ upon non-payment of money or non-transfer of stock	„ May 14, 1821	....	....	.....	....	....
„ to enforce decree	„ 1851	118	....	August, 1841 April, 1842	11 6	....
Of assistance „ „	„ „	116	....	August, 1841	13	....
Of *fi, fa*, and *elegit* „ „	„ „	119—123	....	10th May, 1839	1—5	....
Of *venditioni exponas*	„ „	122	....	„ „	4	....
Of sequestration	„ 1851 „ 1855	118 9	....	August, 1841 April, 1842 August, 1841	11 6 9	....
Where bill taken *pro confesso*	„ 1851	81, 85	....	August, 1845	84, 88	....

TABLE OF FEES,

ARRANGED ALPHABETICALLY.

REGISTRARS' FEES.

	£	s.	d.
ABSTRACT OF TITLE, perusing the first 25 folios	0	6	8
,, ,, every succeeding 25 folios	0	3	4
ADVERTISEMENT	1	0	0
AFFIDAVIT. *See Oath. Inspection.*			
,, Filing with or without schedule or exhibit	0	2	6
AMENDING. *See Bill. Claim.*			
ANSWER, filing	0	5	0
APPEARANCE, if not more than three defendants	0	7	0
,, or more than three, and not exceeding six	0	14	0
and so in proportion.			
APPLICATION. *See Inspection. Search. Depositions.*			
ATTACHMENT. *See Writ.*			
ATTENDANCE abroad, otherwise than at a sale, or on an invalid witness, (additional)	1	0	0
,, abroad, where more than a mile from office, per mile (including expenses) the additional fee of	0	1	0
See also Oath. Sale.			
ATTORNEY. *See Power. Solicitor.*			
BILL OR INFORMATION, filing	1	0	0
,, ,, stamping copy for service	0	5	0
,, ,, amending record of	0	10	0
,, ,, office copy of	0	5	0
CAVEAT against revivor or enrolment, filing	0	5	9
CERTIFICATE, under 10th section of the act	1	0	0
,, not made under special order	0	4	0
,, not otherwise specified, or report	1	0	0
,, upon passing of receiver's or consignee's account, further fee on each £100 received of	0	10	0
,, of bill of costs, as taxed, not exceeding £20	0	10	0
,, every additional £20, or fractional part	0	10	0
,, of moneys or stock in Court	0	5	0
,, to Stamp Office	0	5	0

	£	s.	d.
COPIES. *See Office Copies.*			
„ of documents left as exhibits, per folio	0	0	4
CLAIM, filing	0	5	0
„ stamping copy for service	0	5	0
„ amending record of..	0	10	0
„ „ office copy of	0	5	0
COSTS. *See Certificate.*			
DECREE. *See Order.*			
DEMURRER, filing	0	5	0
DEPOSITIONS. *See also Search. Inspection.*			
„ examining of copies with record	0	5	0
DISCLAIMER, filing	0	5	0
DISTRINGAS. *See Writ.*			
DRAFTS OF DEEDS, or other documents, or conditions of sale, perusing and settling	1	10	0
EXCEPTIONS, filing	0	5	0
EXHIBITS. *See Copies. Inspection. Oath.*			
FIAT for commission to swear affidavits (Fee fund)	0	4	0
„ every other (Fee fund)	0	6	6
INFORMATION. *See Bill.*			
INSPECTION of affidavit	0	0	6
„ depositions	0	3	0
„ exhibits, one hour	0	5	0
„ „ per day	0	10	0
INTERROGATORIES, filing	0	5	0
„ examining and making copy	0	5	0
INVESTMENT, in Consols, 5s. per cent.			
OATH, affirmation, attestation upon honour, declaration	0	1	0
„ marking every exhibit referred to by	0	1	0
„ attending invalid to administer	0	10	0
See also Witness. Attendance.			
OFFICE COPY of petition of appeal or rehearing	1	0	0
„ of decree or order, except when the decree is retained by district registrar	1	0	0
„ any other, per folio..	0	0	4
ORDER, decretal or decree, and on the hearing of a petition, under the 10th section of the act	3	0	0
„ and for Fee fund in addition	1	0	0
„ where made in more than one cause, for every cause after the first (in addition)	1	0	0
„ on the hearing of pleas, demurrers, motions to vary or discharge reports or certificates, or on petitions of appeal, rehearing for injunctions, receivers, and for writs of *ne exeat regno*, and on the hearing of any petition not being a cause petition.. ..	2	0	0

	£	s.	d.
ORDER on petition (for Fee fund) a further fee of	0	10	0
„ on motion of course, or for leave to serve notice of motion, or made by registrar or district registrar	0	5	0
„ on every order for time to answer (for Fee fund) a further fee of ..	0	2	0
„ not herein otherwise specified	1	0	0
„ on motion (for Fee fund) a further fee of	0	5	0
„ or decree, examining and signing enrolment of	3	0	0
PLEA, filing	0	5	0
PAYMENT out of Court, exclusive of brokers' commission, 5s. per cent.			
„ of dividends not exceeding £10	0	2	6
„ „ above £10, and not exceeding £50	0	3	6
„ „ £50 „ £100	0	5	0
„ „ £100 „ £150	0	7	6
„ „ £150	0	10	0
PETITION, answering	1	0	0
„ and for Fee fund	0	2	0
POWER OF ATTORNEY for sale of stock	1	1	0
REPORT. *See Certificate.*			
REVIVOR, filing statement of	0	10	0
SALE, attending	2	2	0
„ when more than six lots, then in addition the district registrar's fee for time. *And see Attendance.*			
SEARCH, book of depositions to	0	1	0
„ cause book to	0	1	0
„ at Lancaster, besides mileage and expenses	2	2	0
„ for a report	0	0	6
„ for a record	0	2	0
„ not otherwise specified	0	5	0
SOLICITOR, entry of (Fee fund)	2	0	0
SUBPŒNA. *See Writ.*			
SUMMONS, originating proceedings	0	5	0
„ duplicate of	0	5	0
„ stamping copy for service	0	5	0
SUPPLEMENTAL STATEMENT, filing	0	10	0
TIME, for every hour in which the Registrar or District Registrar is employed on any matter referred to him. *(See also Attendance.)*	0	10	0
WARRANT	0	3	0
WITNESS (including Oath) proving service of warrant	0	2	6
„ „ „ every other	0	10	0
„ every hour or part of an hour after the first	0	10	0
WRIT of Attachment, or distringas for not appearing or answering ..	0	8	0
„ other of attachment and subpœna	0	5	0
„ other	1	0	0

SOLICITORS' FEES.

	£.	s.	d.
ABATEMENT, certifying	0	6	8
ABBREVIATING, per folio	0	0	4
„ claim	1	0	0
ABSTRACT OF TITLE, perusing every three brief sheets of eight folios	0	6	8
ADVERTISEMENT, drawing, taking instructions for, and obtaining signature of Registrar	0	6	8
„ getting inserted in Gazette	0	6	8
„ „ „ each country newspaper ..	0	6	8
*ANSWER, on receiving notice of filing of	0	6	8
APPEARANCE, instructions to appear	0	6	8
„ entering appearance for defendants not exceeding three ..	0	6	8
„ if exceeding three, for every number not exceeding three	0	6	8
* „ on receiving notice of	0	6	8
ATTENDANCE to read over answers, examinations, and special affidavits, previous to being sworn	0	6	8
„ for every additional 50 folios after the first 20 ..	0	6	8
„ upon defendant, deponent, witness, or messenger to be sworn	0	6	8
* „ to file answer	0	6	8
* „ to file each set of affidavits to be used on hearing in Court of any cause, petition, or motion	0	6	8
„ to name commissioners for the examination of witnesses for the solicitor who has not charge of the commission ..	0	6	8
„ upon each counsel with briefs for hearing a cause, and on special petitions and motions, and with instructions	0	6	8
„ at Court every day on which a cause or petition is in the paper	0	10	0
„ when heard, or when in the paper after being part heard ..	0	13	4
„ at Court on every special motion whether heard or not each day	0	13	4
„ on Registrar to settle minutes of decrees and decretal orders	0	13	4
„ „ on passing same	0	13	4
„ „ to pass other special orders and to draw up order on common petitions and motions of course, and to enter same	0	6	8
„ „ to leave decrees or decretal orders to be entered, examining and taking same away ..	0	6	8
„ „ to file reports and certificates, and for copy	0	6	8
„ at bank to pay in money, and afterwards on Registrar to file banker's receipt	0	13	4
„ on Registrar to lay out cash on each fund	0	6	8
„ „ for directions to sell or transfer stock ..	0	6	8
„ „ to present every special petition, and afterwards for same	0	6	8

* The fees marked with an asterisk are fees allowed according to the old practice sanctioned by the Order of 6th August, 1851.

	£	s.	d.
ATTENDANCE of Registrar or commissioner on the examination of witness per day	2	2	0
„ on every warrant (minimum)	0	6	8
CAVEAT, entering	0	6	8
„ procuring certificate of no caveat	0	6	8
COMPROMISE, certifying	0	6	8
COPIES of pleadings and petitions, per folio	0	0	4
„ of all briefs, per brief sheet	0	3	4
„ of every order, petition, warrant, or special notice	0	1	0
„ every additional folio after the first three	0	0	4
„ of examination of each witness, and of common notice, including service	0	2	6
„ attested, including examining and attesting, per folio	0	0	6
DEED, perusing draft, every skin of 1080 words, and every fractional part	0	5	0
„ examining engrossment, every skin, &c.	0	3	4
DRAWING bills, informations, and claims	2	2	0
„ and for every folio after the first 42, including copy	0	1	0
„ petitions, interrogatories, and affidavits, per folio	0	1	0
„ caveat against signing and enrolling order, and on claim and request to invest	0	2	6
„ special notice of motion	0	2	0
„ for every folio after the first three	0	0	4
„ charges and discharges, states of facts, particulars and conditions of sale and bill of costs, including fair copy for Registrar, per folio	0	0	4
ENGROSSING on parchment, per folio	0	0	6
„ paper „	0	0	8
INSTRUCTIONS, to sue	0	6	8
„ to sue or defend on claim	0	6	8
„ for bills, answers, special petitions, interrogatories, and examinations	0	13	4
„ for affidavit	0	6	8
† JOURNEY of non-resident solicitor to attend hearing of cause or petition per diem, besides travelling expenses	2	2	0
„ of non-resident agent	1	1	0
LETTERS and messengers per term	0	5	0
* PERUSING petition	0	13	4

† This will in future be allowed on each day that the attendance is required. Between Preston, Liverpool, and Manchester, £1 1s. a day will be the allowance for travelling and other expenses. If the solicitor has more than one cause or matter in the paper these allowances will be apportioned.

* See page ante.

	£	s.	d.
‡ SERVICE of order, petition, warrant, or special notice (including copy) on solicitor	0	2	6
,, on party	0	9	0
,, of notice of examination of witness, or common notice, including copy	0	2	6
* ,, affidavit of	0	6	0
TERM FEE	0	10	0
WRIT, preparing every, without order	0	6	8
,, ,, ,, under order, except injunctions..	0	13	4
,, ,, ,, injunction, including engrossing and docket, per folio	0	1	4

NOTE.—*Fees for matters not specified are similar to those allowed in the High Court.*

VICE-CHANCELLOR'S CLERK, for every cause, matter, or application heard in the chambers of the V. C. in London	0	5	0

‡ The fee for attending to prove service of a warrant when required will be 3s. 4d.

* See page ante.

FORMS.

AFFIDAVITS OF SERVICE.

In the Chancery of the County Palatine of Lancaster.

Liverpool [*or Preston*] District.

Title of cause or matter, or if under an administration summons of both.

Affidavit of the Personal Service of a Bill or Claim.

I, A. B., of , &c., make oath and say as follows:—

1. On the day of (before o'clock in the afternoon,) I personally served the above-named defendant with the bill of complaint [or claim] filed in the above cause at the office of the District Registrar, on the day of having an indorsement thereon in the form prescribed by and according to the General Orders of this Court in that case made and provided, by delivering to and leaving with the said defendant at in the county of a written [or printed or lithographed] copy of such bill [or claim] with such indorsement thereon as aforesaid.

The District appears in the title.

If more than one defendant the whole of paragraph 1 should be repeated, except that the bill may be referred to as the "said bill."

2. Such copy or duplicate [or copies or duplicates] was [or were] previously stamped with the proper stamp of the District Registrar, indicating the filing of such bill of complaint [or claim] and the date of the filing thereof.

Affidavit of Service of Interrogatories.

See observations in margin of previous form.

I, A. B., of , &c., make oath and say :—

1. On the day of (before o'clock in the afternoon,) I delivered to Mr. T. C., the solicitor of the above-named defendant an office copy of the interrogatories [or such of the interrogatories] filed in this cause, on the day of for the examination of the defendant [or as the defendant is required to answer] by leaving such copy with the said Mr. T. C. [or with his clerk], at the place of business of the said Mr. T. C., situate at in the county of

2. Such copy was duly stamped and marked as an office copy at the office of the District Registrar, and purported to be a copy of [or of such of] the said interrogatories filed in this cause [as the said defendant was required to answer.]

Affidavit of Service of an Adinistration Summons.

See observations in margin of first form.

In the Chancery of the County Palatine of Lancaster.

District.

In the matter of the Estate of C. D., late of in the county of , deceased.

W. against R.

I, A. B., of , &c., make oath and say as follows :—

1. I did on the day of [before o'clock in the afternoon,] serve the above-named defendant R. with a summons in this matter and cause, bearing date

the day of 185 , issued from and under the seal of the District Registrar, by delivering to and leaving with the said R. at his dwelling-house, situate , a true copy of the said summons duly stamped with the stamp of the office of the District Registrar, indicating the filing of a duplicate of the said summons at the said office, and at the same time shewing the said R. the said summons, by which summons the said R. was required to attend at the said office at on the day of 185 , at o'clock in the noon, and shew cause if he could why an order for the administration of the personal [or real] estate of the above-named C. D. by the Court of Chancery of the County Palatine of Lancaster should not be granted.

2. There was at the foot of the copy of the said summons so served, and at the foot of the said summons when so produced as aforesaid, a memorandum or statement that such summons was taken out by of solicitor for the above-named and a notice that if the said did not attend either in person or by his solicitor, at the time and place mentioned in the said summons, [or at the place mentioned in the said summons at the time mentioned in the endorsement thereon,] such order would be made in his absence as the Vice-Chancellor might think just and expedient.

[3. There was upon the copy so served an indorsement dated the day of under the hand of whereby the day of at o'clock in the noon was appointed for the parties who had not been served with the said summons to attend at the said office.]

Only necessary where the summons has been adjourned for the purpose of serving persons who had not been previously served.

Affidavit of the Service of a Notice of Motion, of a Petition, or of Notice of a Decree or Decretal Order.

I, A. B., of &c.:—

Notice. 1. I did on the day of instant, serve Mr. of No. , the solicitor for the plaintiff [or defendant, as the case may be,] in this cause, with the notice now produced and shewn to me, marked with the letter A, by delivering to and leaving with the clerk of the said Mr. at his office, No. aforesaid, before o'clock in the afternoon, a true copy or duplicate of such notice entitled in this cause, dated the day of and addressed to the said Mr. as the solicitor of

[*Add Clause at foot.*] *next page*

Petition. If of a petition, state:—with a petition preferred unto the Right Honourable the Chancellor of the Duchy and County Palatine of Lancaster, on behalf of with the District Registrar's Order thereon, dated the day of whereby it was ordered that all parties concerned should attend the then next sitting of the Court to be holden by delivering to and leaving with the clerk of the said Mr. at his office, No. before o'clock in the afternoon, a true copy of the said petition and order, and at the same time producing and shewing him the said original petition, with the District Registrar's Order thereon as aforesaid.

[*Add Clause at foot.*] *next page*

Decree. If of notice of a Decree or Order state:—With notice of the decree [or decretal order] made in this cause by the Worshipful the Vice-Chancellor, bearing date the day of by delivering to and leaving with the said at a true copy of the said decree [or decretal order], with a notice thereunder written entitled in this cause, and addressed to the said whereby he was required to take notice that the said copy was a true copy of a decree [or decretal order] made

in this cause by the Worshipful the Vice-Chancellor of the Chancery of the County Palatine of Lancaster, on the day of

2. Endorsed on the said copy and notice was a notice in the form or to the effect prescribed by the 26th of the General Orders of this Court, of the 16th day of July, 1855.

3 [or 2]. Previously to such service I carefully compared the copy so served by me with the original notice [or petition, or decree, or decretal order] of which it purports to be a copy. Applicable to all three.

POWER OF ATTORNEY TO RECEIVE DIVIDENDS.

In the Chancery of the County Palatine of Lancaster.
Liverpool District.

Know all men by these presents, that we have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint of &c., and of &c., our true and lawful attornies, or true and lawful attorney jointly and severally for us and for our use, to ask, demand and receive of and from the District Registrar and Comptroller and Clerk of the Council of the Duchy of Lancaster, all such cheques, notes or drafts as shall be by them drawn on the Governor and Company of the Bank of England, or any Agent of any Branch of the Bank of England, for the dividends from time to time to accrue, due on the sum of Bank three pounds per cent. annuities, standing to the credit of the account and which dividends are directed to be paid to us by an order of this Court dated the day of and made in

And we do hereby authorise and empower our said attornies and each and every or any or either of them, to receive the money drawn for thereby from the Bank of England, or any

Branch thereof, and on receipt of such notes or drafts and sums of money to give proper acquittances and discharges for the same to the said District Registrar and Comptroller and Clerk of the Council of the Duchy of Lancaster, and the Bank of England hereby ratifying and confirming whatsoever our said attornies or attorney shall do in the premises by virtue of these presents. In witness whereof, &c.

FORM OF WRIT OF ATTACHMENT.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen defender of the Faith: To the Sheriff of Lancashire greeting—We command you that you attach A. B. so that you may have him before us in our Chancery of Lancashire on the day of next coming, to answer us as well of a certain contempt by him to us done as is said, as also of such other matters and things as then and there shall be objected against him, and further to do and receive what our Court shall order in this behalf, and that you in nowise omit this, and have you there this writ. Witness, &c.

Must be 15 days between the teste and return.

JAMES, V. C.

Indorse.—At the suit of C. D., for want of an answer, or appearance, or otherwise, as the case may be.

Tested the day it issues.

FORM OF COMMISSION OF SEQUESTRATION.

Victoria, &c. To J. H., N. B., and H. B. greeting. Whereas E. C. infant, by W. C. her father and next friend, and A. P. widow and relict and executrix of W. P. deceased, complainants, exhibited their bill of complaint in our Chancery of Lancashire,

against R. M. and E. his wife, defendants: And whereas the said defendants *have stood out all process of contempt to a commission of rebellion for want of an answer to the plaintiff's bill, and cannot be found to be taken thereon as by the return of the commission of rebellion appears.* Know ye therefore, &c. [The rest of the form is the same as that in use in the High Court of Chancery.]

The words in italics must be altered according to circumstances.

CONCLUDING PART OF FORM OF

WRIT OF NE EXEAT REGNO.

To our Chancellor of our County Palatine of Lancaster unto her Chancery of Lancashire, so that the same Chancellor have such certificate before us in our said Court of Chancery, together with this writ.

THE END.

HENRY GREENWOOD, PRINTER, 16, CANNING PLACE, LIVERPOOL.